A JUSTIFICATION OF THE Present War.

AGAINST THE

Vnited Netherlands.

WHEREIN

The *Declaration of His Majesty* is Vindicated, and the *WAR* proved to be *Just, Honourable*, and *Necessary*.

The *Dominion of the Sea* Explained, and *His Majesties Rights thereunto* Asserted.

The Obligations of the *Dutch* to *England*, and Their Continual Ingratitudes

Illustrated with Sculptures,

In Answer to a *Dutch Treatise* Entituled, *Considerations upon the Present State of the* United Netherlands.

By *Henry Stubbe*.

Cicero ad Atticum, Lib. 2. Ep. 7.

Pompeii omne Consilium Themistocleum est: Existimas enim, qui Mari vincit, tum necesse, rerum potiri.

Lucius Florus.

Pudebat nobilem populum abiuto mari, regiis insulis, dare tributa quæ jubere consuevimus.

LONDON,

Printed for *Henry Hills* and *John Starkey*, at the *Mitre* within *Temple-Bar*, 1673.

Hieronymus Bosch

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Pompeii enim Consilium Thomistarum est. Ex Himas huic, qui Mare tenuit, cum nostris, rerum potiri.

Ducem Vlixem

Pudebat nobilem populum abiuto mari, rogitis tutulis, dare exitum quae jubere consuevimus.

LONDON

Printed for *Henry Hills*, and *John Starkey*, at the *Miture* within *Temple-Bar*, 1673.

Sec Thurlee
Sr. Thes Gentlemen haue a Petition for you to deliuer to the Council of State
Hugh Peters
Paulus Vander Parre
Allard Peter Iong
William Nieuport
Hieronymus Van Beverningk
A
W Sherwin Sc

A Acton d. 23. 1414.

A JUSTIFICATION OF THE Preſent War.

AGAINST THE Vnited Netherlands.

WHEREIN

The *Declaration of His Majeſty is* Vindicated, and the *WAR* proved to be *Juſt*, *Honourable*, and *Neceſſary*.

The *Dominion of the Sea* Explained, and *His Majeſties Rights thereunto* Aſſerted.

The Obligations of the *Dutch* to *England*, and Their Continual Ingratitude.

Illuſtrated with Sculptures,

In Anſwer to a *Dutch Treatiſe* Entituled, *Conſiderations upon the Preſent State of the* United Netherlands.

By *Henry Stubbe*.

Cicero ad *Atticum*, Lib. X. Ep. 7.

Pompeii *omne Conſilium Themiſtocleum eſt: Exiſtimat enim, qui Mare teneat, eum neceſſe rerum potiri.*

Lucius Florus.

Pudebat nobilem *populum ablato* mari, *rapiis* inſulis, *dare* tributa *quæ jubere conſuerverat.*

LONDON.
Printed for *Henry Hills* and *John Starkey*, at the *Mitre* within *Temple-Bar*, 1673.

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THE AUTHOUR UNTO THE READER.

Since *the Author of the* Conſiderations *is pleaſed to conceal* his Name, *and ſuffer* his Book *to paſs as the work of a* private perſon; *it ſeems requiſite, that I do declare this Enſuing* Treatiſe *to proceed from an* Hand *not leſs* private, *if* not more; *and this I am the more obliged to own, leſt by any* miſtake *of mine through* Haſte, Ignorance, *or* Miſ-information, *ſome prejudice might be created againſt the juſt and* unqueſtionable Rights *of his Majeſty. The* Intereſts of Princes *are not* proper *ſubjects for* ordinary pens: *yet in this juncture of our affairs, in theſe times of* univerſal danger, *and I hope my attempt ſhall not be lyable to* miſ-conſtruction, *ſince it hath no other ſourſe and Original, than the* ſervice *of my* King *and* Native Country: and I *do profeſs that I have not, to my beſt knowledg, made uſe of any* officious untruths, *nor in any* Allegation, *or* Aſſeveration, *impoſed upon the* credulous Reader; *nor*

have I asserted the less probable opinions *at any time, out of compliance with the* present exigencies of State, *in opposition to those which are* strengthned with greater Authority and Reason. *I have throughly* convinced my self *in the first place, and therefore hope the Discourse may prove more* satisfactory *unto all others. The Infant* Republick of the United Netherlands, *after that it had got some considerable strength by the assistance of* England, *began to be sensible of the* Advantages *they drew from* Navigation, *and how necessary it was for them not only to open the* Commerce *unto both* Indies, *but to secure themselves of the* Fishing *in the* British Seas: *the death of Queen* Elizabeth (*who would otherwise have been jealous of their* growing power, *and tender of her* own Rights) *together with the* peaceable disposition *of King* James, *seemed to make way for* their ambitious designs, *and the* Cabal *of* Holland (*whereof* Grotius *was one*) *did publish an* Anonymus *Treatise, called* Mare liberum, *wherein the* freedom of the Sea to navigate, or fish in, *was maintained as a* due right of mankind *according to the* Law of Nature, and Nations; *which foundation they esteemed more suitable to* their ends, *then if they should depend upon a* revocable priviledge, *or* tacit permission. *The Book was the less* resented *at* that time, *because it was in* appearance *levelled against the* Spanish Indies, *and the* prohibition of Commerce *there*; *and then all* Europe *was willing to see the* pride *and* power *of* Spain *abated* by any means. *However King* James *was angry at the pretended* Liberty of Fishing, *and his Embassadour* Carleton *complained thereof to the* States; *but they never avowed the* Principles, *but owned the* Rights

Domin. Baudius de inducijs belli Belgici. l. 2.

Grotius Apologet. c. 19.

of

of King James, *though in deed slighted them, and usurped upon the* Fishing, *in such manner as I have shewed in this* Treatise. *That single Book hath occasioned a multitude of* Discourses *upon that Subject; Mr.* Selden *defended the* English *dominion over the* British *Seas: Others that of* Venice, *and* Genoa: *The* Dutch *Advocates undermining by* their Writings *all the* Regalities of Princes, *as their* Masters *have done by* their Actions. *After that the troubles of* Scotland *and* England *had disabled King* Charles *the First from attending unto the* Dominion of the Sea, *according as He most* generously purposed, *the* Dutch *thought that the English, being weakned with the* Civil Wars, *and distracted with* Intestine Factions, *by reason of the alteration of the Government, could not resist* their ambition, *should they usurp the* Universal Dominion of the Seas; *and to secure themselves* therein, *they sent* Van Tromp *to destroy the* English *Navy, without* declaring any War, *but neither did that attempt, nor the* War *ensuing thereupon, prosper as they hoped they would. But ever since that* fierce War, *they have determined upon the* ruining the English Navigation, *and not only to exclude the* English *from the* East-India *Trade, but to* expel them from, *and* deprive them *of the* Dominion of the British Seas. *It is a received* Aphorism *amongst the* Hollanders, *that the* flourishing condition *of* England *is a* diminution of their glory; *Also, that* Trade *and the* Repute of strength *are inseparably linked*

Terris, fretis, portulus (per Indiam Orient.) Hispaniarum atque Lusitantiæ regem (*atque ut auguramur etiam Anglos*) exuere. *M. Schoockins* de imper. marit. c. 21. Funestiores adhuc succedent anni, nisi in partes ante omnia sollicitato Deo Opt. max. laboraverimus *Anglos mari expellere illiusq; Imperium asserere.* Frustra sumus, si per quæcunq; pacta cum talibus, speremus tantam tectam fore mercaturam nostram: quam diu hi *graves nostri vicini in mari dominabuntur*, compedita erit mercatura. Si enim una *Oresunda* ratione mercaturæ Orientalis necessario transeunda, ante hac habita fuit *Crux Mercatorum*, quanta *crux* non futura *dominante Anglia*, dico, tot commodis portubus, & tam valida hoc tempore classe instructa? id ibid.

linked together; and hereupon they have ſo many ways contributed to the embroiling of our Kingdoms, *and omitted nothing that might repreſent us as* ridiculous *and* contemptible *unto* Forrein *Princes. After they had* uſurped the Fiſhery, *they began to aſſume a freedom to act all manner of* Hoſtilities *upon our* Allies *(if at enmity with them) not only upon our* Seas, *but in our* Ports; *and hereof there are* many Inſtances *beſides the deſtruction of the* Spaniſh *Fleet in* 1639. *After this, their* pride *increaſing with* their power, *they refuſed to* ſtrike Sail *to our* Ships of War: *now* they *will allow it to be but a* Ceremony *and* Civility, *and diſpute the* paying thereof, *unleſs we come up to ſuch terms as are* inſupportable. *Thus by degrees they have reduced* this Nation *to the preſent* weakneſs *and* contempt; *nor can any* conceſſions, *any* indulgence *ſatisfie their* Arrogance *and* Covetouſneſs: *They who* covet all, *will not acquieſce in any* grants *that are not* anſwerable *to* their deſires, *how* unjuſt *or* vaſt *ſoever they be: And their* friendſhip *is ſooner purchaſed by a* briſk oppoſition, *than* complaiſance. *If we look upon the* number *and* quality *of the* injuries *which we have received from the* Dutch, *the* Turks *of* Algiers *and* Tunis *are leſs* offenſive, *and leſs perfidious. If we conſider the courſes by which the* Dutch *attacque us, the* Algerines *are the more ſupportable to an* Engliſh *ſpirit, ſince they act by* force, *and* open piracy: *what the* Hollanders *do by* fineſs *and* deceit: *And ſince it is our* unhappineſs *to have ſo* ill neighbours, *that we muſt either fall by a* lingring *and* inglorious death, *or hazard by* War *a more* precipitate

Igitur ne minimus quidem apex de ſolennibus formulis detrahi debet, nec quicquam de jure remittendum, ne judicium veſtrum metus eſſe videatur, & uno conceſſo ſemélq; inclinatis ad aſſentiendum & indulgendum mentibus graviora longé, & injuſtiora poſſulentur. Ubi *Majeſtatis jus* agitur media via neutiquam eſt eligenda. *Princeps Auriacus* apud D. *Sandium* de induciis, lib. 2.

pirate end; *I think his Majesty hath made that* choice *which is most conformable to the* genius *and temperament of* his Subjects; *and instigated by his* Honour, Justice, *and* Necessity, *put into the hands of the* English, *an opportunity at least of* perishing bravely. *But as we ought not in a* righteous cause *to distrust the* mercy of God, *so upon so* auspicious a beginning *as the* Lord of Hosts *hath favoured us with, under the conduct of our* Undaunted Admiral; *we may hope for a* prosperous success *over our* treacherous *and* ungrateful Enemies. *It becomes the* Nation *now to express their* generous resolution *and* courage, *wherehy the* first advantages *may be* timely *and* vigorously *pursued. It is true,* War *is* expensive; *yet 'tis not to be esteemed so, when the effects of* peace *will be more* fatal *and* cost us more: *It is* expensive, *yet in the* beginnings of War *even* prodigality *is* wisdom; *and* he that lays out most lays out least. Small supplies may foment and continue a War, but great ones put a speedy end thereunto, *Let us then shew our selves* unanimous, *and* resolute; *Let us add to our* usual boldness *all that* fury *which* despair infuseth: *Our circumstances are such as admit of no* after-game: *either we must be the* Distressed Kingdom of England, *or* they *once more the* Distressed States of Holland; *and 'twill be more insupportable for* us *to fall into a condition* we never yet understood, *than for* them *who return only to their* primitive estate. *The* Dutch *presume not so much upon their* own *strength, as upon our* divisions, animosities, *and* poverty. *Let us undeceive them in these* surmises; *let us convince* them, *that the* English *have yet* much to give, *as well as* All *to loose*; *and that they can abandon*

Non ignarus, instandum famæ, ac prout prima cessissent, fore universa. C. Tacitus in vita Agricolæ.

don all private emulations *and* jealouſies *where the* Publick *is ſo highly endangered; and either totally extinguiſh them, or lay them aſide till they have a more fitting time to reſume them. If we can form our minds to* ſuch ſentiments as theſe, *we may have in a ſhort ſpace,* what Peace we deſire; *if we act by other Principles,* we can have no end of Peace, but what pleaſeth the inſolent and enraged Hollander.

In

Impartial and *Seasonable* REFLECTIONS

Upon a late Book, Entituled,

Considerations upon the Present State of the United Netherlands.

WHen I perused the *Treatise*, Entituled, *Considerations upon the present State of the* United Netherlands, I could not but recall to mind that Raillery of *Charles* the Fifth; who, when he adjusted the usefulness of several *European* Languages, said *That the Dutch was fittest to be used unto an Horse.* Certainly the expressions they use against his *Sacred Majesty*, the present King of *Great Britain*, are so *rude* and *barbarous*; the *suggestions* so palpably false, that in a Controversie betwixt *private persons*, such a procedure were intolerable in any part of the *Civil World*: How much more then ought we to resent it, where the *Dignity* and *Honour* of our Prince (upon whose *Reputation* abroad and at home, not only the *National Renown* and *General Commerce*, but the *Welfare* and *Being* of each *Particular Man* is suspended) is concerned? I do not endeavour to serve the *present juncture* by this *high insinuation* of what importance it is, that the *Majesty* of our Sovereign be upheld: I do not act any thing of the *Courtier* herein; 'tis a document of the *best Politicians*, and the experience

Neque verò incassùm hæc nominis existimatio quæritur: Hæc enim dubios firmat, benevolentiam a nicorum auget, milites obsecundantes reddit, commeatuum vias explanat, pecunias minori labore acquirit; demum plæraq; omnia in existimatione consistunt; qnæ cum perdita est, fortia ac validissima remedia, nedum debilia & invalida, vix prosunt, & *invisò semel principe, seu bene seu male facta premunt.* Scipio Ammirat. dissertat Polit. l. 13. Discurs. 1.

of *all Ages*, doth confirm it for a Truth: It is no vain or empty Design, for a Prince to preserve that Credit and Renown which appertains to His Quality; 'tis hereby, that He shall ensure Himself of those that waver in their Friendship or Allegiance; 'tis hereby, that He shall retain his Armies in Discipline and Courage; 'tis hereby, that He shall continue in his other Subjects, their due Reverence and Respect. In fine, the Reputation of a Prince is all in all: And that being once lost, the most powerful and prudent Remedies become ineffectual to the support of His Crown, and Tranquillity of His Dominions. Neither do I upbraid the *Dutch*, with the Violation of those Edicts, whereby *Christianity* regulates Men so in their deportments, As *not to speak evil of Dignities, not to blaspheme the Gods, or Magistrates; being reviled, not so much as to revile again; Whatsoever things are just, whatsoever things are honest, whatsoever things are of good report, if there be any praise, if there be any glory, to think thereof*: No, no, I should injure *Christendom* to reckon the *United Netherlands* a part thereof; such are their *practices*, that 'tis a *crime* in them to *profess that Religion*, and a great mistake in those that intitle *them* thereunto: I know not, whether I do not speak *too mildly* concerning those *deluded persons*, since 'tis a *wilful error* in them that imagine so; the *Dutch* themselves have avowed it, and those that managed their Trade in *Japan*, when the *Christians* there (at the Instigation of the *Dutch*) were all by *horrible tortures* put to death, and every *House-keeper* enjoined to declare in writing, That he neither was a *Christian*, nor retained any *Christians* in his Family, *Melchior à Santvoort*, and *Vincentius Romeyn*, subscribed themselves, that **They were Hollanders**: Most impiously for Lucre's sake declining that Profession of *Christianity*, to which *Christ* and his *Apostles* oblige them. If they were *ashamed* or *afraid* to acknowledge *Christ* then, I know what *our Saviour* will do to them *hereafter*; and if we be *ashamed* to own them now, or *positive* in *denying* them to be **Christians** now, we are justified by an *infallible Authority*. I would willingly palliate the matter, by casting the scandal upon a few *particular persons* who might be surprised with the imminent danger *at that time*:

Varenius Descript. Japoniæ, l. 2. De Religione Japon c. 11. p 200. Edit Amstelodam. 1649. Hæc *Rejeri Giberti* narratio est, cui, quoniam ea tantum describit, quæ ipso præsente gesta sunt, fidem derogare haud jure possumus. *Varen.* ibid. p. 201.

time : But their reputation is not to be *salved* so; for the *Conditions*, upon which the *Trade continues* to be managed there, with the *knowledge* and *approbation* of the *States-General*, and of the *Provincials* of *Holland*, are these;

They are at their first arrival, faithfully to deliver up all the Books which they bring along with them to Japan, (not a *Bible*, or *Prayer-book* is reserved) **which are not to be restored till their departure again. They are to refrain from all manner of outward Profession of Christianity in Word or Deed amongst the** Japanners; **in so much that it is Death and Confiscation of their Ships and Goods, if they do so much as verbally give God thanks for the Meat they eat, or by any motion of their Hands or Eyes testifie any inclination thereunto.** Upon these terms the *Emperor* permitted them to trade *thither*; the *Conditions* were sent into *Holland* to be approved of *there*, it being added in the close of the Letter, **That if they did make any of the least show, that they were Christians, they should not obtain any favour at the hands of the Emperor.** And the *Dutch* have so exactly submitted to *these Conditions*, and do so absolutely in *word* and *deeds* dissemble **their Christianity**, that not only the *common people*, but the *Rulers* and *Magistrates* of *Japan* do really believe that **they are as perfect Heathens as themselves.** What would those *ancient Christians* do to these *Irreligious* **Hollanders?** What Sentiments would they entertain against these practises, who proceeded so severely against such *of their number* heretofore, as did (amidst a fierce persecution) deliver up the *Sacred Scriptures* into the hands of the *Paynims?* With what Zeal would they exterminate *these* **Traditors**, these *Gnosticks* out of the *Church*, and *Sacred Society of* **Christians?** I cannot parallel *these actions* with any exorbitancies of the *Primitive Hereticks*, how *detestable* soever they were. But it is most manifest, that by *their rigour* against

Omnes libros, si quos secum adduxerunt, tradere tenentur. --Insuper exercitiis Christianæ Religionis *omnino* abstinere debent præsentibus *Japoniis*; adeo qui dem ut ne manus complicare ante cibum vel post assumptum audeant: Si in hoc peccaverint, capitale est, imò navi mulctarentur. *Varenius* ubi supra, l. 1. c. 26. p. 193. & lib. 2. de Relig. Japon. c. 11. p. 208.

Quamdiu apud *Hollandos* aliquid, quod Christianismum redoleat, peragetur, nihil impetrabunt, quicquid etiam petierint. Id. ibid. p. 210.

Dissimulandam enim eis esse Religionem, & pro *Ethnicis* quoque haberi à Magistratu Japonensi. Id. ibid. p. 208.

The Portugueses *refused to trade there upon* those terms. *Which are the* best Christians, *those* Papists, *or these* Protestants? *Is it not manifest that the* Dutch *are hereby* obliged *to deny themselves absolutely to be* Christians, *in case any* Japanner *doth put such a* Question *unto them?*

those *Traditores*, &c. they would have *ejected* the *Hollanders* out of the number of *Christians*, and *anathematised* them above any *upon record*, since the *Dutch* act that for *gain*, which no *terrours* could excuse under a *Diocletian*, or *Maximianus*.

In regno *Japonensium*, ubi Christiana religio interdicta est, *Belgæ* qui ibi habitant, *ex mandato Societatis Indiæ Orientalis* ab omni externo cultu abstinere tenentur. *Tract. Theologo polit.* c. 4. p. 6. 2. edit. 1670. *Hamburg.*

Whatsoever may be alledged in behalf of *Vincentius Romeyn* and his Associates, (if any thing can be said) extends not to the *subsequent Traders*: and even before the persecution in *Japan*, the *Hollanders* demeaned themselves *no otherwise* than *afterwards*, for amongst the *motives* which induced the Emperor of *Japan* to allow them to trade, it is expressly said, That **He permitted them this libertie, because that during all the precedent years in which they traded thither, He never observed that they intended the propagation of their Religion, or seemed at all concerned for it.** One would think that any *professing Christianity* would not demean themselves thus unworthily: but *these men* proclaim and publish to the world their impiety, without *remorse*, or shame. The Director of their Factory there, *Francis Caron*, printed this in his Description of *Japan*, and *Varenius* upon strict enquiry found it to be *really true*. Their Books were printed at *Amsterdam*. And let who can, stile **them** *Christians*, *Reformed Churches*, or *Protestants*, I am sure none can communicate with such *Publicans* and *Heathens*; and had an *Hollander* been *Bishop* of *Carthage*, then **Donatism** had been no **Schism.** An **Hollander**! This is the *Name* of a *People* that esteem nothing *sacred*, but their *own profit*, and live under *no obligations* of *Honour*, *Morality*, or *Religion*, but *Interest*. I must ravage over *Affrick* (so fam'd for *Monstrous productions*) and in the most *inhumane* parts thereof seek a parallel for these *European Monsters*: They are not to be ranked amongst the **tolerable Paynims**: Old *Rome* would have taught *them* that there are *certain Laws of War*, *as well as Peace*, and those such as cannot be *silenced* by the noise of *Canons*: And I will from *Athens* borrow an Expo-

Cum Hollandi multis jam annis, quibus in Japoniâ commercia exercuerunt; nunquam de propagandâ Christianâ religione quicquam attentaverint, nec de eâ soliciti fuerint —— id. ibid. pag. 209.

stulation

ſtulation againſt *them.* "We do not complain that being Enemies, they act as Enemies: there are ſome conditions and laws of war, which may be equitably practiſed on both ſides; to harraſſe the fields, plunder Towns, kill, ſlay, and take Captives, how *miſerable* ſoever theſe things be to thoſe that ſuffer them, yet are they not *unjuſt* actions: We do complain that *theſe Netherlanders*, who, even in the *Treatiſe* which I now *animadvert* upon, do ſo highly pretend to *Piety* and *Proteſtancy*, ſhould violate all *divine* and *humane* Rules of *Civility*, that they *rail* inſtead of *fighting*, that they attacque us with *contumelious* language, and aggravate their *unjuſt enmity* with an *inſolence* that is *not to be endured.* I am as much perplexed to find out the *Rules* of their *Politicks* herein, as I am elſewhere to ſeek for thoſe of *their Religion*, ſeeing that *this deportment* muſt needs exaſperate *all mankind* againſt them, and *common humanity* obligeth every one to endeavor their *extirpation*: Provocations of *this kind*, Injuries of *this nature*, admit of *no compoſition*, and render the *moſt bloody* wars to be *moſt juſt.* The *indignities* done to *our King* do extend unto *all Princes*, and become *Examples* of what they *univerſally* muſt expect *in time* to ſuffer from the continuance of their *High* and *Mighties*: but theſe *affronts* particularly and *moſt ſenſibly* touch the ſubjects of the *King of Great Brittain*, and turn their *juſt anger* into *implacable fury.* As the *Dutch* are to the *Engliſh*, ſuch were the *Veientes* to the *Romans*, they were a *vexatious* rather then *terrible* enemy, and irritated them more by their *contumelies*, than their *armies*: But it is obſervable, that there never was a *fiercer* or more *cruel* war, and the *Romans* did *never* teſtifie ſo *high reſentments*, as for *thoſe indignities*: and from *ſuch like conſiderations* aroſe that *cautelous* advice of *Scipio Ammiratus* and *Macchiavell* (no *Dutchmen*) that *Men ought to be cautious how they irritate an enemy by contumelious language and other indignities*; ſince the *impreſſions* thereof are more *violent* and *durable* in the minds of Men, then what are occaſioned by *common*, and even *grievous injuries.*

I *ſmiled* when I read the *high commendations* which they beſtow upon their *Countrey* and *Government.* Oh! the rare ſituation of it! 'Tis a **Canaan**; but ſeated in a *Bogge*, and ober-

Non eſſe ſibi conquerendum, quod hoſtilia ab hoſte paſſi fuerint: eſſe etenim quædam belli jura, quæ ut facere, ita pati ſit fas: ſata exuri, diruì tecta, prædas hominum pecorumque agi, miſera magis quàm indigna patienti eſſe: id ſe queri, quod Philippus, qui Romanos alienigenas & barbaros vocet, adeò omnia, ſimul divina humanaque polluerit, ut priore populatione cum infernis diis, ſecunda cum ſuperis bellum nefarium geſſerit. *Livius* lib. 31.

Sed Veiens hoſtis atrocior magis, quam gravis, contumeliis ſæpius, quam periculis animos agitabat. *Livius* lib. 2. c. 84.
Livius lib. 5.

Scipio Ammirat. diſſert. polit. l. 18. diſc. 10. *Macchiavell.* diſc. in *Livium*, l. 2. c. 26.

overflows with water, instead of *Honey*. 'Tis a *Canaan* in which there are many Jews, but scarce one *Israelite without guile*. No *Espials* yet have informed me of those *prodigious Grapes*, such as the *Israelitish* discoverers met with in *Canaan*; and these cheating *Hollanders* obtrude upon us **Turneps** for **Pomgranates**. Yet do they assure us *their Land* is a **true Canaan**: but 'tis *more true*, which they add, **That tis a Land of Promise**: for all *Europe* and the *East-Indies* do complain *there is nothing of performances there*. They magnifie their *excellent Government*; which is an *Anarchy*: they subsist not by any *wise reiglement*, but combination of *Interest*, and sense of *common danger*. They have been an *hundred times* in danger of a *total rupture*; each Province is *sovereign* and *independent* of the rest, and can send *Embassies*, contract *Leagues*, and otherwise negotiate with foreign *Princes*, without the privity of the others: never was there *Sheaf of Arrows* so ill made up into a bundle. Their **Liberty** (whereof they boast) consists in *paying more Taxes* than any *Prince* in the world exacts: and being subjected to the most *Arbitrary Proceedings* as to *Life*, *Exile*, and *Imprisonment*, that ever I read of: and if I am deceived, *Grotius* in his *Apologetick* (who suffered thereby, with many others) deluded me into that sentiment. But though these **Canaanites** do live under an *ill Government*, in a *bad Countrey*, upon *Pickled Herrings*, *Groot*, *Butter*, and *Cheese*; yet *they enjoy for their souls, that immortal part, as much as from God they can desire, namely the food of his word, which nourisheth them to life eternal.*— And this is the **Celestial diet** of all the *Jews*, *Socinians*, *Anabaptists*, *Papists*, *&c.* that abound there. The *States General* have nothing to do with *Religion*: the several *Provinces*, and *Towns* can only intermeddle therewith; and that *they* so do, that the *Ecclesiastics* can neither *preach* otherwise than what the *Magistrates* please, nor exercise any *Church-Discipline* as they ought. Upon *these Terms* the *Ministers* are **Pastours**, and feed them with *heavenly food*, being *servants* rather of the Burgomasters and of *Mammon*, than *God*. Were our *Nonconformists* there imployed, they would find it unlawful to assert the *Jus Divinum Ministerii Evangelici*, and they would

The Provincial States *of* Holland *and* West-Friesland *demonstrate this in their* Declaration *printed at* Leyden *in* 1654.

would be *banished*, should they discourse there about the *duty of Magistrates*, and *power of Ministers*, as they do in *England*. These *Zealous Protestants* have declared that 'twas *indifferent to them* what Religion any *Province* or *City* were of, *so they would but Unite with them*. The *League* at *Utrecht* (which is the Foundation of their *Union*) doth run *thus*, and *Grotius* shall justifie all I say. They say, *They have always highly interessed themselves in the friendship of His Majesty*: And to preserve *his Friendship*, they made all those *ignominious Pictures*, *Medals*, and *Monuments*; they refused him *the Honour of the Flag*, and informed His Majesty, *That the Dominion of the Sea is an* **Usurpation**, *and that upon* **God Almighty**; *to whom* **alone** *this State attributes it.* They say, *Their great interest consists in the peace and tranquillity of Christendom. Oh! happy interest of a Christian State.* —— I believe their *interest* now consists in the *peace of Christendom*; because *that war* menaceth *them*, which *they* would have turned upon *England*; and I believe they did not swerve from *their interest*, when they formerly sowed *divisions* betwixt the *Suedes* and *Danes*, and other *German* Princes; and of late endeavoured to embroil all *Europe* in *Wars*, thereby to counterpoise *France*. I might reflect upon their confining *their interest* to the *Peace of Christendom*; whereas they place it otherwise in the *East-Indies*, embroiling *those parts* as much as they can *in wars*, and destroying *our Merchants* upon all occasions: But it is very observable, that the *real interest* of these most *amicable Dutch*, consists in *Europe*, in doing all those things which may *justly* incense *Princes* to make war upon *them*, and yet in cajolling them into a *tame* and *dishonourable acquiescence*.

See the Apology of Oldenbarnavelt *Printed in English in* 1618.

Such passages as *these*, I confess did add to my *divertisement* upon the reading; but a *different passion* seized when I met with those *insolent Expressions* with which they affront our *Sovereign*, who not only by reason of his *personal excellencies*, but by the right of his *English Crown*, is ranked amongst the *Reges superillustres*. Had *His Majesty* been of a *lesser quality*, yet since *his Ancestors* have by their *favor*, *protection*, and *vast Expence of Men and Money*, raised the *Dutch* into a *Republick*, ordinary *Gratitude* might have engaged.

Grotius *Apologet.* c. 2.

Corsettus.

gaged them to *civiler Language*. To give the **Lie** to any Man, is reputed a *juſt cauſe* of *quarrel*; and if we allow *Princes* but equal concerns for *their Honor*, this alone *authenticates* the War. They charge *Him* with *Injuſtice*, *Diſſimulation*, and *Piracy*: They call his **Courtiers** a Company of **Stupid Fellows**, and ſay, *His Majeſty can as little adhere to Reaſon, as with reaſonable offers He will be ſatisfied.* They ſay, *That the War hath no other Proſpect, than the Limits of an unlimited Ambition, endleſs Covetouſneſs, and a Spirit of Revenge not to be glutted.* That *His Mind is miſled and obnubilated with a deſire of War, the moſt accurſed and unruly of all deſires.* That *His Declaration contains plain Untruths, malicious Interpretations, and groſs Impertinences.* That *no Precedents of Violated Faith, out of any Chronicles can be produced, which in this caſe can parallel the Example of the ſaid King.*

Theſe and many other *ſuch like Paſſages* occur frequently in *this Treatiſe*: I ſhould not have *preſumed* to *repeat* them, but that I am confident they will be efficacious to animate *All the Subjects of His Majeſty* to vindicate the Honor of their *injur'd Prince*, eſpecially when they ſhall underſtand how undeſervedly *He* is aſperſed by theſe *ignoble*, *ingrateful*, *arrogant and perfidious* **Netherlanders**. Behold how unfortunate *His Majeſty* is to contend with a *mean* and *ungenerous Adverſary!* Hom *Civil* and *Prince-like* was the *King of Great Britain* in His Declaration! What was there that could *exaſperate*, beſides the *Truth of his Allegations?* Let any Man impartially conſider the *Motives* whereupon His Majeſty proceeds; let him forget himſelf a little while that he is a *Subject*, thereby to *judge* the better of the *Actions of his Sovereign*, and I am aſſured he will concur with me in Opinion, That **the preſent War with the Dutch, is Honorable, Juſt, and Neceſſary**: And conſequently, if His Majeſties loving Subjects do value, either their *Allegiance* to their *King*, (which is not to be doubted) or the *Honor* and *Proſperity* of the *Nation*, and of each *particular Member* thereof (all being involved in this conteſt, and depending upon the iſſue of it) they will unanimouſly aſſiſt His Majeſty in the *preſent juncture*, as far as their *Prayers*, *Lives*, and *Fortunes* can advantage *Him*.

I acknowledge my self to have been of the number of those, who by reason of their *ignorance of private Negotiations, and the Real transactions of State*; together with that *Epidemical jealousie of Court-designs*, did believe that *this War was needless*, and *unseasonable*: That it was projected by some *Courtiers*, and others, who sought to advantage themselves by the *Publick Calamities*, or by *Pensions* from the Crown of *France*; that the *Dutch* were so *humble* and *submissive*, that it was our *obstinacy* to refuse *all satisfaction*, nor any *perverseness* and *pride* in them so as *to deny us any*: I was jealous of the growth of *Popery*, and thought it to be the interest of *this Kingdom*, not to *weaken* or *destroy* a *Republick* pretending to *Protestancy*, and for the *erection* whereof so many of our *Progenitors* had *hazarded* and *lost their lives*. I brought with me all those *surmises* and *misapprehensions* which any *Netherlander* or *English* Male-content could wish infused into me: But when I came to a *better intelligence* concerning affairs; when I had seriously inquired into the *Transactions* betwixt the *Dutch* and *Us*, how *condescending* His Majesty had been, and with what *insolence* the *Netherlanders* had deported themselves; when I found the *reality* of His Majesties *pretensions*, and that the *Declaration* was so penned that the *contents* were capable of much higher *aggravations*, but no way to be *extenuated* or *invalidated*: Then did I begin to detest the *petulant* humour of this age, whereby every one is prone to examine the *actions*, and censure the *prudence* of his *Governors*, without understanding the *prospect* those *elevated spirits* have concerning such affairs, or the *grounds* and *circumstances* by which they regulate their *Councils*, and most commonly *We* not being *able to determine of matters*, were every *punctilio* and *intrigue* represented unto *us*. I thought the times *happy*, when men imployed themselves in *other Discourses*, and practised *obedience* rather then *disputes*: When they believed that *prudent* and *solid doctrine* of the *Casuistical Divines*: That it was only for the *Counsellors* of *Kings* to debate and examine the *utility* and *prejudices*, the *justice* and

Ludovic. Molina. de justit. tract. 2. Disp. 112. *Francis. à Victoria*, Relect. 6. de jure Belli num. 25. *Amesius* de Cas. Conscient. l. 5. c. 33. sect. 17. Vir justus, si forte sub rege homine etiam sacrilego militet, rectè potest illo jubente bellare, si, quod sibi jubetur, vel non esse contra Dei preceptum certum est, vel utrum sit certum non est: Ita ut fortasse reum faciat regem iniquitas imperandi, innocentem autem militem ostendat ordo serviendi. S. *Augustin*, contra *Faustum*.

injuſtice of Wars; the other *ſubjects* not being to expect an *ample account* of all the *Motives* and *Inducements* by which their *King* is ſwayed, nor to be ſo *infatuated*, as to think they can *debate* or *decide* ſuch matters, without any better *cogniſance* then what ariſeth from a *vulgar Brain*, a *narrow preſpect* of things, and *popular Reports* and *Suggeſtions*: But to preſume ſo well of their *Superiors*, as to imagine they underſtand what is *right* or *wrong*, *honourable* and *diſhonourable*, *advantagious* and *inutile*; and that they have ſo much of *common ſenſe* as to underſtand, that the *welfare of the people is the grand intereſt of the Prince, and that the King is the greateſt ſufferer in the ruinating of his Kingdoms.*

To the end that *others* may be *undeceived*, as well as *my ſelf*, and fortified againſt all *miſ-apprehenſions*, which either their own *ignorance*, or the *clandeſtine Artifices* of theſe *ingrateful* and *moſt malicious Netherlanders* may ſubject them unto, I ſhall repreſent unto the World, the moſt *important paſſages*, whereby they endeavour to *elude* or *refute* the *moſt juſt* and *ſincere Declaration* of his Majeſty, and evince unto the moſt *ſuſpicious* or *prejudicate Perſons*, that it is *incumbent* upon the Subjects of *His Majeſty*, and there is an *unavoidable neceſſity* of reducing theſe *inſolent* and *treacherous Dutchmen* into ſuch a poſture, as they may not only pay their *due ſubmiſſions* (with reparations of *honor*) unto our *King*; but be obliged to *continue* them for the future. They are a *Nation*, with whom no *League* can take effect any longer than their *advantage* leads them thereunto, or want of *ſtrength* and *opportunity* doth reſtrain *them*: It is impoſſible for any *Civilian* to fetter them by a *Treaty*: If they can not evade it by *equivocations*, *mental reſervations*, *common eluſions*, and ſuch artifices as become not *Soveraigns*; Theſe *Hollanders* will *impudently* deny all ſuch matters as interfere with *their deſigns*, and ſupply the *injuſtice* of their *actions* by *violence* and *fraud*. They have no *Honor* to loſe, no *Conſcience* to ſtain, no *certain Principles* to recede from. The *Tartars* and *Moors* prove the ſincerer *Confederates*, and *Humanity* it ſelf is concerned, that there ſhould not be any longer upon Earth ſo *fatal an inſtance*, that there are not in Men naturally ſuch ſeeds of *Morality*, ſuch inclinations to *civil Society*, ſuch

Laws

Laws of Nature and of *Nations*, as thoſe *Authors* teach us who never thorowly underſtood an **Hollander**. I might give *evident* proofs of this ſo *heinous* a charge ſeveral ways, but I ſhall confine my diſcourſe to what theſe *Dutch conſiderations* lead me unto; and it is from thence, that I will manifeſt to the moſt *ordinary capacities*, and the moſt *prepoſſeſſed* judgments, that *theſe Adverſaries* are not injured by *this Character*; and to make the caſe more *plain*, I will write *their words*.

Conſiderations upon the preſent ſtate of the Affairs of the *United Netherlands*. Publiſhed by a *Lover of his Countrey*, for the encouragement of his Countreymen in theſe *troubleſome times*.

WHoſoever looks upon the firſt beginning of the State of the United Netherlands with a curious eye, and ſerious conſideration of the Hiſtories, and diſcreetly obſerves by what means the Fabrick of the ſaid State, out of the lowneſs of its original is raiſed to this preſent height, muſt needs be induced to confeſs, That Divine Providence (which not always appears viſible to the eyes of the World) hath ſo clearly been manifeſted in the framing and exalting of this State, that with juſt Reaſons it muſt be acknowledged, that God Almighty was the external and viſible erector of this famous Republick.

An Age is now expired (when before the Countrey, through an unhappy Diſorder of Government of thoſe times, was fain into a lamentable confuſion) ſince *William* Earl of *Mark*, Lord of *Lume*, Admiral of the Prince of *Orange*'s Navy, by a ſtrict command from the Queen of *England* (who not only denied him liberty to ſtay in her Countrey, but alſo refuſed to ſupply his Seamen with neceſſaries) conſtrained to leave *England*, arrived

arrived beyond his intentions, forced by cross Winds, but indeed the Winds of Gods directions, before the *Brill*, of which He easily possessed himself, not with a design to keep, but only to ransack the same, and so to leave it again: But being informed by others of the convenience and importance of the place, brought the same into a posture of defence, keeping it for his Principals and Superior Commanders. And in this manner was the first Foundation of this precious Structure laid, or rather, in regard of the External Instrument, cast up by chance, but, in verity, by the direction of the Supreme Builder, whose omnipotent hands oftentimes make use of Mortals, as the blind instruments of his wonderful destinies.

It is not my design here to make a Relation of the progress of our Affairs, and by what means our Ancestors have through troubles and adversities struggled and ascended to the height of that felicity, which by Gods Goodness we enjoy at present: But my intentions onely aim by this short discourse to move my worthy Countrey men to fix their assured confidence, that the same God which hath exalted us from lowness to a State, whose high and flourishing condition now for a long continuance of time hath stirred up as much Envy, as formerly its Misfortunes moved Compassion, shall graciously protect and preserve the Works of his Almighty hands, if, imitating our Predecessors, we in this juncture of time do joyn two principles together, which ever ought to be inseparable, *viz.* An intire resignation of our selves to the Divine Providence, and, An unalterable mind, and vigorous courage in these troublesome times, to act as much for our preservation, as our forefathers have done for their first Deliverance: Desiring my Countrey-men, that in comparing our present Anxieties, with the Perplexities of our Ancestors, and the necessities under which we our selves have laboured, they will look back in the Histories for the Primitive times of our Predecessors, and for that time within compass of their own remembrance, whereof still we preserve the memory.

We

we ſhall find in the Hiſtories, that the Affairs of our Predeceſſors, in their firſt progreſs and growing Infancy, were reduced to that inconvenience, that the conſideration thereof moved the Supreme perſon at that time, who with an indiſſoluble Bond had linked his own proſperity to the fate and deſtiny of theſe Countries, to urge this hopeleſs Advice, *viz.* To cauſe by cutting of the Banks, and pulling up the Sluces, theſe Lands to be ſwallowed down in an irrecoverable condition, and, with Gods Mercy with that ſmall remainder of their ruinated Fortunes, to ſeek other Countries beyond Seas, there either to live more happily, or to find a period of their lives with leſs miſery.

I ſhall not blame the *Conſiderer* for reflecting upon the *Mercies of God*, extended towards his *Country-men*. I commend the leaſt ſenſe of *Religion* in *him*; but I have moſt *ſuſpicious* thoughts concerning *Piety* in an Hollander: And I believe every *Engliſhman* will approve *this jealouſie* to be *juſt*, ſeeing, *All* this *ſpecious preamble* is made uſe of to *no other end*, then to evade *all acknowledgments* to Queen *Elizabeth*, and the *Engliſh Monarchy*. It is not the pleaſure of the *Almighty*, that *ſubordinate means* and *inſtruments* ſhould be deprived of their *proper Elogies*. He by his *Providence* appointed *means*; He by his *Sovereign will*, doth *proſper* or *fruſtrate* them; yet ſo that the *divine interpoſition* doth not uſually derogate from the *efficacy* of *ſecond cauſes*, or exclude us from *confeſſing their concurrence*. Whoſoever ſhall reflect upon the *Ambitious deſigns* joyned with the *extrardinary power* of *Spain* in thoſe dayes: The intentions of that *Monarchy* to reduce the *Belgick Provinces* under a more *abſolute obedience* than the *Brabantine Conſtitutions* conſiſted with; the *obſtinate humour* of the *Dutch* in adhering to their *Priviledges*, how *irrational* ſoever; Alſo the *apprehenſions* which *France*, *Germany* and *England*, had concerning the *exceſſive growth* of the *Spaniſh* and *Auſtrian* power; ſuch a *Conſiderer* will not admire ſo *very much*, that the *rebellion* of the *United Netherlands* did continue ſo long, and ſucceed ſo well; nor diſcover

discover such an *extraordinary* series of *providences* in the erection of their *Republique*: And the most *partial* men must grant, that 'tis a most *fallacious* way of *reasoning*, to argue from the *happiness of the event* unto the *justice of the cause*, or *peculiar favour of the divine Author*: There is not any thing in this *Dutch* suggestion which might not have been *more rationally* alledged by a *Goth*, or *Mahumetan*, since the *juncture* wherein those *Monarchies* advanced *themselves*, was attended with *less favourable circumstances* than I can observe in the *revolutions of the Netherlands*: But I am confident no *Goth*, or *Saracen* would have so entitled to *God* the *original* of their *successes*, as to exclude the *intermediate assistances* which they received *from others* at any time. Such *ingratitude* is singular in the *Netherlanders*; and all this *impudent harangue* hath no *other tendency*, then to elude the *obligations* which that *unworthy people* have to Q. *Elizabeth* and the *Royal Progenitors of His Majesty*. Here is no mention made of any *protection* or aid given them by the *English Queen*; but one *Action* related, which as it *seemingly* carries with it somewhat of *unkindness*, so it is *insinuated* meerly to this end, that they may *alienate* the people from a *Reverence* and regard for our *Nation*. It is not to be denied that Q. *Elizabeth* did contribute much to the *first support* of these *Dutch*, giving them *reception* here in *England*, when the fury of the D. of *Alva* enforced them as *exiles* to seek an habitation in *foreign Countries*: this most gracious Queen compassionated *their miseries*, and gave multitudes of them leave to fix at *Norwich*, *Colchester*, *Sandwich*, *Maydstone*, and *Southampton* A. D. 1568. Here the *exiles* had the advantage of a *quiet life*, and the opportunity of pursuing their designs in order to the regaining of their *Countrey*. Nor was it a small favour to the *Prince* of *Orange* and his *Partisans*, that when they were ready to sink under their losses in *Friezland* and elsewhere, this *Queen* seized upon *two hundred thousand Pistols of Gold*, which were transporting from *Spain* to the D. of *Alva*: the detaining whereof as it was a great *disappointment* to the *Duke* (who stood in great need of it for the *reinforcing* of his designs) so it begat great animosities betwixt the *Queen* and *Him*, the *Merchants Ships*

A. E. Meteran. Histor. Belg. l. 3. *Cambden.* Hist. *Elizab.* ad ann. 1568.

on each ſide were ſeiſed upon, *Letters of Repriſal* granted, and the *Engliſh* eſtranged from the *Spaniſh Netherlands*, by the tranſlation of our *Staple* from *Antwerp* to *Hamburg*. It is manifeſt that our *Queen* did by *that Action*, and by the *hoſtilities* and *contrivances* of *a new Trade*, which enſued thereupon, contribute effectually to the *fomenting* of the *Netherlandiſh* diſcontents, the D. of *Alva* was diverted from proſecuting the *Gheuſians* with his former violence, his Subjects were *exaſperated* by the dammage of the *Engliſh* Trade, the *Engliſh* were (by the *removal* of our *Staple*) diſingaged from all *dependance* on the *Spaniards* there by way of *Commerce*, and inclined to *abet* and *aſſiſt* the *diſtreſſed followers* of the Prince of *Orange*. And if the *Dutch* will not *acknowledge* theſe actions for a *great aſſiſtance* and *courteſie* to them, the *Spaniſh* Embaſſador *De-ſpeci*, in his Remonſtrance ſaid, *they proceeded from ſome that bare no good will to the Spaniard, and favoured the Rebels of the Netherlands*. After this, the *diſtreſſed Netherlanders* betook themſelves to practiſe *piracy* at Sea upon the *Spaniards*, under the command of the Prince of *Orange*, but were immediately under the conduct of *William* Earl *Vander Marck* and others, and the *Queen* (notwithſtanding that *She* was reſettled in a good *correſpondence* and *league* with the *Spaniards*) did permit them by connivence, the *free uſe* of *her Ports* every where throughout *England*, ſo as that they provided themſelves *here* with *Victuals* and *Munition* upon all occaſions, and here they uſually vended *their Prizes*, which they took upon the *Illy*, *Texel*, and the *Ems*. By which means theſe *exiles* ſuſtained themſelves well (the Prince of *Orange* receiving the *Tenths* or *Fifths* of their *Prizes*,) gave much trouble to the Duke of *Alva*, continued thoſe *diſcontents* in their *Partiſans*, which otherwiſe would, *in all probability*, have been extinguiſhed, by reaſon of the *power* and *terror* of the *Spaniards*, and the weak and *declined condition* of the exiled Prince of *Orange*. I would willingly underſtand from any *ingenuous perſons*, whether *theſe actions* did not highly contribute to the erection of this *Republique*; and might not as well have been *thankfully acknowledged*, as the ſubſequent *Decree* of Queen *Elizabeth* is moſt *ingratefully* mentioned: *Viz.* That *William* Earl of *Marck*, Lord of

Camden. Hiſt. *Elizab.* ad ann. 1569.

A. E. Meteran. lib. 3. ad ann. 1571. E. *Grimſton.* Hiſtory of the *Netherlands* lib. 9. A. D. 1571. *Franc. Haræus* Annal. ducum *Brabant.* tom. 3. ad ann. 1572.

of *Lumè*, Admiral of the Prince of *Orange*'s Navy, was by a ſtrict command from the Queen of *England*, denied liberty to ſtay in her Country, and alſo refuſed to ſupply his Seamen with neceſſaries; whereupon enſued the taking of *Brill*, as is ſpecified ——. The inſinuation of this *Edict* is maliciouſly urged here, thereby to extenuate the *favours* of the *Engliſh* Nation: The *Queen* was engaged by *Articles*, not to entertain openly any *Rebels* unto the Crown of *Spain*; She could not harbour them any longer without a *rupture* with that *potent Monarch*; and She was unwilling to involve *Her ſelf* in ſo *great a War*, for ſo *weak Confederates*. Whereupon *She* by a *ſtrict Proclamation* did forbid them the uſe of *Her Ports*, and that *Her Subjects* ſhould ſell them any *Proviſions*, after a certain time, which was *March*. Whereupon they were *neceſſitated* to depart, and ſeek ſome other *receptacle*, and Providence caſt them upon *Brill*. But had not the *Queen* harboured them, *How had they ever embodied themſelves*, or *encreaſed to the ſtrength of forty ſail of Ships*, moſt of them *Fly-boats*, wherewith they poſſeſſed themſelves of *Brill*, and took two rich *Ships* by the way? No ſooner was *Brill* taken, but *Fluſhing* in *Zealand*, and ſome other Towns revolted to the Prince of *Orange*; yet were his Forces ſo ſmall (though joyned with thoſe of *Vander Marck*) as not to be able to ſubſiſt againſt the *Spaniards*; but that the Queen permitted multitudes of *Engliſh* to repair thither; The firſt that went, was Sir *Thomas Morgan*, who carried over *three hundred Men* to *Fluſhing*, the report of whoſe coming is ſaid to have ſtayed the D. of *Alva*, when he was in a readineſs to recover that Town. Afterwards, through the procurement of *Morgan*, arrived there *Nine Companies* of *Engliſh*, under Sir *Humphrey Gilbert*. With *theſe aids*, and other *Auxiliaries* from *France*, though the Prince of *Orange* atchieved great things, and reduced many Towns in *Holland* and *Zealand* unto his party, yet ſuch was their *diſtreſs*, that *An. Dom.* 1575. they entred into a debate of putting themſelves under the *Protection* of ſome *Foreign Prince*; leaſt through *want of Money*, and of *Soldiers*, and alſo the fickle inclinations of a *diſcontented populace*, they ſhould ſuddenly fall under the power of the *Enemy*.

A. E. Meteran. l. 3. ad Ann. 1571. *Fr. Horæus* ad Ann. 1572.

Cambdens Hiſtory of Queen *Elizabeth* ad Ann. 1572. *A. E. Meteran.* lib. 4. ad Ann. 1572.

A. E. Meteran. ad An. 1575. *E. Grimſton.* l. 10. ad An. 1575.

And

And in the name of the *States* of *Holland* and *Zeland*, and Prince of *Orange*, was an *Embaſſy* ſent into *England*, to offer unto the *Queen*, not only what was agreeable to *equity*, *reaſon*, and *religion*, but to the *exigency of their condition*, and what *ſelf preſervation* and *extreme neceſſity* prompted them unto. The Commiſſion of the *Embaſſadors* was, either to make a *League* with the Queen, or to ſubmit themſelves under her *Protection*; or (if neceſſity required) to acknowledge her for their *Princeſs* and Soveraign Lady, iſſued from the Earls of *Holland* and *Zeland*, by the Lady *Philip*, Daughter to *William* the third of that Name, Earl of *Henault* and *Holland*, *&c.* The *Queen* thanked them for their good will towards her; but fearing the *enmity* of *Spain*, the *envy* of *France*, and the charge of the War, as alſo not being ſatisfied, how ſhe might with *her honour*, and a *ſafe conſcience*, receive thoſe offered Provinces into her *Protection*, much leſs *poſſeſſion*, ſhe declined the Overture; yet promiſed to intercede for *them* with *Spain*, and in the mean ſpace gave them leave to raiſe what *Souldiers* they could in *England*, either from out of the *Engliſh*, *Scots*, or exiled *Netherlanders*, and furniſh themſelves with what *proviſions* and *Ammunition* they wanted, and to tranſport them. Notwithſtanding this *tranſcendent favour* of the *Queen*'s, the ingrateful *Zelanders* the next year affronted her *Majeſty*, and ſeiſed upon ſundry of her Merchants Ships upon various pretences, whereupon ſhe was ſo incenſed, that there had been an *abſolute difference* betwixt them, had not the Prince of *Orange* prrudently compoſed all. After this, when *Don John* became Governour of the *Netherlands*, and withal aſpired to marry the Queen of *Scots*, and render himſelf King of *England*, the Queen enters into a more ſtrict League and *Confederacy* with them, to aid them with *men* and *money*; and 'twas at her charge principally, that Prince *Caſimire* came to their aid with a *German* Army: And out of *England* there went over the Seas to *them*, the Lord *North*'s eldeſt Son, *John North*; the Lord *Norris*'s ſecond Son, *John Norris*; *Henry Cavendiſh*, and *Thomas Morgan* Colonels, with very many *Voluntiers*; and, after that the *Germans* mutinouſly deſerted the *States*, the Queen furniſhed them readily with a great

Fr. Haræus ad an. 1573. *Cambden* hiſt. of Queen *Elizabeth* ad an. 1575.

A. E. Meteran. lib. 5. ad an. 1575. *E. Grimſton.* lib. 10. ad an. 1575.

A. E. Meteran. lib. 5. ad an. 1576. *Cambden*, Hiſt. of Q. *Eliz.* ad an. 1576.

A. E. Meteran. lib. 7. ad an. 1577.

Id ibid. lib. 8. ad an. 1578. *Cambden.* ad an. 1578.

Cambden ad an. 1579.

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ſum of money, the ancient Jewels and rich Plate of the Houſe of *Burgundy* being mortgaged unth her for it. After this for ſeveral years the *United Netherlands* caſt themſelves under Arch-Duke *Matthias*, and the Duke of *Anjou*, but with ſo ill ſucceſs, that they found themſelves not able to continue long, *Antwerp* and ſundry other places being taken, and *William* Prince of *Orange* murdered, the *French* King not being *able* or *willing* to receive the *Soveraignty* of thoſe Provinces, ſo that they determined by a *ſolemn Embaſſie* to tender *Her Majeſty* the entire *Dominion* and *Principality* of the *Netherlands*: They had treated with her before by *J. Ortelius* about *Protection*, but the *Queen* refuſed to eſpouſe their quarrel, except *She* might have *cautionary Towns*, that her *expences* might be repaid at the end of the War. But now that the *deſperate condition* of their Affairs made *any terms* to be *prudential*, they reſolved to *ſubject* themſelves unto her, or contract *any league for Protection* which ſhe would enjoyn them. Upon the ſixth of *July* 1585. their *Deputies* came to *London*, vvhich vvere theſe. For *Brabant* (although by reaſon of the Siege of *Antwerp*, not fully authoriſed) vvas ſent *Jacques de Griſe* chief Bailif of *Bruges*; for *Gnelderland* was *Rutgert van Harſolt*, Burgomaſter of *Harderwick*; for *Flanders* (although likewiſe not fully authoriſed) *Noel Caron*, Seignior of *Schoonwall*, Burgomaſter of *Franc*; for *Holland* and *Friſeland*, was *John Vander Does*, Lord of *Noortwick*, and *Joos van Menin* Counſellor of the Town of *Dort*, and *John van Oldenbarnevelt* Counſellor of the Town of *Rotterdam*; Doctor *Francis Maelſon*, Counſellor of the Town of *Enekhuyſen*; for *Zeland*, was *Jacob Valk*, a Civil Lawyer, and one of the Council of State; for *Utreicht*, was *Paul Buys* Doctor; for *Friſeland*, was *Jelgher van Seytzma* Counſellor of State; *Heſſel Ayſma* Preſident, and *Lacſt Joughema*: They were kindly received by the *Queen*, and *nobly feaſted* at her coſt, upon the ninth of *July* they were brought to their *Audience* at *Greenwich*; the *Audience* was moſt *ſolemn* and *publick*, the *Queen* being ſeated on her *royal* Throne, and all the *Privy Council* attending on each hand of her Majeſty. The *Deputies* being introduced, fell upon *their knees* before the Throne

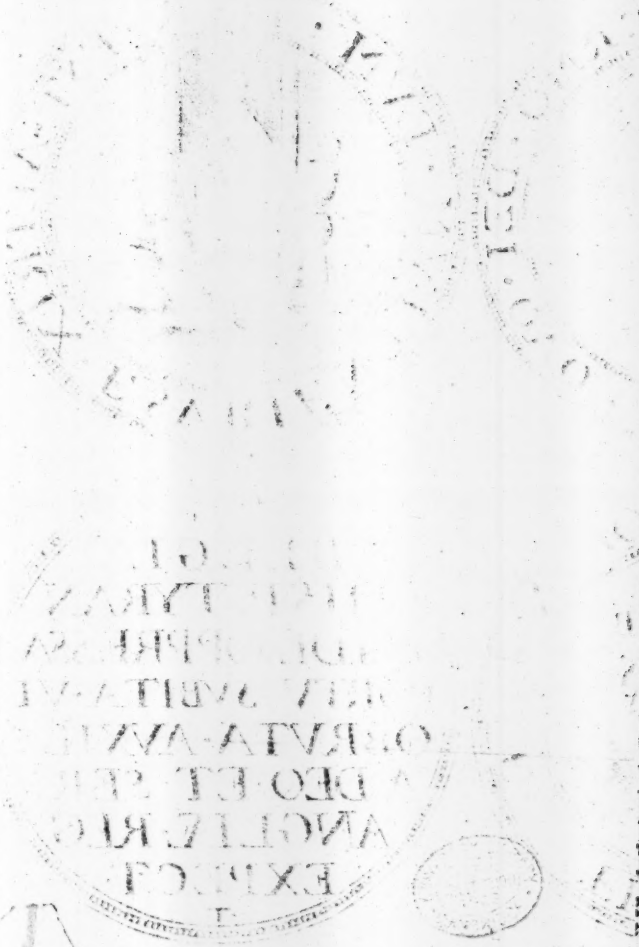
of

Auriaco principe Belgarum Gubernatore jam interfecto, multis urbibus ab hoſte captis, & *Francico* auxilio, inſtinctu hoſtium negato, rebuſq; ferè deſperatis. *A. E. Meteran.* lib. 13. ad ann. 1585.

Vide deduct. Ordin. Holland. Weſt Friſiæq; &c. p. 238. edit. Leydenſ. A. D. 1554.

Non ſine metu in poſterum, quem tunc *præſens neceſſitas* averterat. *Grotius Annal.* l. 5.

A. E. Meteran. lib. 13. ad ann. 1585. E. *Grimſton.* l. 12. ad ann. 1585.



The *Dutch* at *their return*, did Coin *Medals* of Copper, in memory of this *Audience*, and the *Protection* which Queen *Elizabeth* afforded unto them. I received two of *these* from *Elias Aſhmole* Eſq; *Windſor* Herald.

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of the *Queen*; and *Joos Van Menin*; with great *reverence* and *ſubmiſſion*, made an Oration to her in the name of the **Diſtreſſed States of the United Netherlands**, unto this purpoſe.

That the States of the United Netherlands Provinces *humbly thanked her Majeſty for the* honourable *and* many Favours, *whech it had pleaſed her to ſhew unto them amidſt their* extreme neceſſities, *having not long ſince received the teſtimonies of her Princely clemency, when after the cruel Murther of the Prince of* Orange, *it pleaſed her Majeſty by her Ambaſſador Mr.* Davidſon, *to ſignifie unto them, the great care ſhe had for their defence and preſervation; and after that again by the Lord of* Griſe, *by whom ſhe let them underſtand, how much ſhe was diſcontented to ſee them fruſtrated of their expectations, repoſed upon the hope they had in the Treaty with* France: *adding, that nevertheleſs her Majeſties care for the ſupport of the* Netherlands, *was rather augmented than diminiſhed, by reaſon of the difficulties which multiplied upon them: For the which, not only the Provinces* in general, *but* every particular perſon therein, *ſhould reſt bound unto her Majeſty* for ever, *and labour to repay ſo tranſcendent obligations* **by all poſſible fidelity and obedience.** *And therefore the* Eſtates *aforeſaid, obſerving that ſince the death of the Prince of* Orange, *they had loſt many of their Forts and good Towns, and that, for the defence of the ſaid* United Netherlands, *they had* great need *of a* Soverain Prince, *who might* protect *and* defend *them from the inſolencies and oppreſſions of the* Spaniards, *and their Adherents, who ſought daily more and more all the means they could, with their Forces and other ſiniſter practices, to ſpoil and utterly root up the foundation of the aforeſaid* Netherlands, *and thereby to bring the* **poor afflicted people** *of the ſame into perpetual bondage, and worſe than* Indian *ſlavery, under the inſupportable yoke of the moſt execrable* Inquiſition. *Finding likewiſe, that the Inhabitants of the ſaid* Netherlands *were perſwaded, and had aſſured confidence, that her Majeſty out of her Princely inclination, would not endure to ſee them* utterly overthrown, *as their Enemies expected by moleſting them with long, unjuſt, and bloody Wars, the which the* Eſtates *(according to their duties, and in reſpect of their places, in the behalf of*

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their Fellows and Brethren) were forced to withſtand, and, as much as in them lay, oppoſe themſelves againſt the manifeſt ſlavery, which they thought to impoſe upon the poor common people, and by their beſt endeavours to maintain their ancient Freedoms, Laws, and Priviledges, with the exerciſe of the true Chriſtian Religion *(whereof her Majeſty truly and by good right did bear the Title of* Defendreſs*) againſt the which the Enemy and all his Adherents had formed ſo many* Leagues, *attempted ſo many fearful and deceitful* Enterpriſes *and* Treaſons, *and yet ceaſe not daily to invent, practiſe, and deviſe the deſtruction of her Majeſties Royal perſon, together with her Eſtate and Kingdoms; Which the Almighty God under the protection of his everlaſting goodneſs, hitherto hath preſerved from all dangers, for the good and upholding of the Church of Chriſt here upon earth. For theſe reaſons, and many other good conſiderations, the Eſtates aforeſaid, with* one full and free conſent, *had altogether determined, and fully reſolved to flye unto her Majeſty, in regard it is an* uſual thing *for all* oppreſſed *and* diſtreſſed people *and Nations, in their* great diſtreſs *and* neceſſity *to ſeek juſt aid and aſſiſtance againſt their Enemies, from* Kings *and* Princes *their* Neighbours, *and eſpecially from thoſe that were indued with courage, fear of God, uprightneſs of heart, and other Princely Ornaments; and to that end, the* Eſtates *aforeſaid had enjoyned and commanded them to* beſeech her Majeſty *to accept of the* Soveraignty *and* Supreme Dominion over the ſaid United Provinces, *upon* certain *and* reaſonable *Conditions, eſpecially tending to the upholding, maintaining, and furtherance of God's true Religion, and the ancient Freedoms and Priviledges to them due and belonging, together with the government and managing of the Wars, Policy, and Juſtice of the ſaid United Provinces of the* Netherlands. *And although the ſaid* Netherlands *had endured divers loſſes, and that many of their Towns and Forts had been won from them by the Enemy, during theſe Wars: Nevertheleſs in* Brabant, Guelderland, Flanders, Maclin, *and* Overyſſel, *there were yet many good Towns and places that held out againſt the Enemy, and the Provinces of* Holland, Zeland, Utrecht, *and* Friſland, *were by God's grace and wonderful providence ſtill kept and preſerved in their whole and entire poſſeſſions, wherein they*

had

had many great and ſtrong Towns and Places, fair Rivers, Deeps and Havens, whereof her Majeſty and her ſucceſſors might have good Commodities, Services, and Profits, whereof it were needleſs to make any longer diſcourſe; but one in ſpecial, That by Uniting the Countries of Holland, Zeland, Utrecht, and Friſland, the Towns of Oſtend and Scluſe, unto her Majeſties Kingdoms and Dominions, ſhe might have the **full and abſolute Dominion over the great Ocean, and procure unto the Subjects of her Majeſty perpetual and moſt aſſured ſafety together with their proſperity.**

They did therefore moſt humbly beſeech her Royal Majeſty to vouchſafe out of her Royal favour and Princely bounty, to yield to the aforeſaid points of their Requeſt, and ſo to accept for her, and her lawful Heirs, or Succeſſors in the Crown of England, Defenders of the true Chriſtian Religion, the Soveraign Rights, Principality, and Dominion of the ſaid Netherlands; and in regard thereof to receive the Inhabitants thereof, as her Majeſties moſt humble and obedient Subjects and Vaſſals into her perpetual Safegard and Protection: a People as true, faithful, and loving to their Princes and Governours (without vain boaſting be it ſpoken) as any other in Chriſtendom. And ſo doing, ſhe ſhould preſerve and protect many fair Churches, which it had pleaſed Almighty God in theſe latter days, to gather together in ſeveral of the ſaid Provinces, being now in many places, in great fear, peril, and danger: and to deliver the Netherlands and the Inhabitants thereof from miſerable thraldom, who (not long before the wicked and hoſtile Invaſions of the Spaniards) were ſo rich and flouriſhing in all ſorts of wealth, by reaſon of the great Commodities of the Sea, Havens, Rivers, Trafficks, manual Trades and Occupations, whereunto they are much given, and naturally inclined. She ſhould likewiſe preſerve them from utter deſtruction and perpetual ſlavery both of Body and Soul, and ſo effect a right Princely and moſt Royal work, pleaſing to God, profitable for all Chriſtendom, worthy of eternal praiſe and Glory, and fitting well with the Magnanimity and other Royal Vertues of her Majeſty, as alſo moſt advantagious to the ſecurity and welfare of her particular Subjects.

This being ſaid, They preſented their Articles unto her

Majeſty

their Fellows and Brethren) were forced to withstand, and, as much as in them lay, oppose themselves against the manifest slavery, which they thought to impose upon the poor common people, and by their best endeavours to maintain their ancient Freedoms, Laws, and Priviledges, with the exercise of the true Christian Religion (whereof her Majesty truly and by good right did bear the Title of Defendress) against the which the Enemy and all his Adherents had formed so many Leagues, attempted so many fearful and deceitful Enterprises and Treasons, and yet cease not daily to invent, practise, and devise the destruction of her Majesties Royal person, together with her Estate and Kingdoms; Which the Almighty God under the protection of his everlasting goodness, hitherto hath preserved from all dangers, for the good and upholding of the Church of Christ here upon earth. For these reasons, and many other good considerations, the Estates aforesaid, with one full and free consent, had altogether determined, and fully resolved to flye unto her Majesty, in regard it is an usual thing for all oppressed and distressed people and Nations, in their great distress and necessity to seek just aid and assistance against their Enemies, from Kings and Princes their Neighbours, and especially from those that were indued with courage, fear of God, uprightness of heart, and other Princely Ornaments; and to that end, the Estates aforesaid had enjoyned and commanded them to beseech her Majesty to accept of the Soveraignty and Supreme Dominion over the said United Provinces, upon certain and reasonable Conditions, especially tending to the upholding, maintaining, and furtherance of God's true Religion, and the ancient Freedoms and Priviledges to them due and belonging, together with the government and managing of the Wars, Policy, and Justice of the said United Provinces of the Netherlands. And although the said Netherlands had endured divers losses, and that many of their Towns and Forts had been won from them by the Enemy, during these Wars: Nevertheless in Brabant, Guelderland, Flanders, Maclin, and Overyssel, there were yet many good Towns and places that held out against the Enemy, and the Provinces of Holland, Zeland, Utrecht, and Frizland, were by God's grace and wonderful providence still kept and preserved in their whole and entire possessions, wherein they had

had many great and ſtrong Towns and Places, fair Rivers, Deeps and Havens, whereof her Majeſty and her ſucceſſors might have good Commodities, Services, and Profits, whereof it were needleſs to make any longer diſcourſe; but one in ſpecial, That by Uniting the Countries of Holland, Zeland, Utrecht, *and* Friſland, *the Towns of* Oſtend *and* Scluſe, *unto her Majeſties Kingdoms and Dominions, ſhe might have the* **full and abſolute Dominion over the great Ocean, and procure unto the Subjects of her Majeſty perpetual and moſt aſſured ſafety together with their proſperity.**

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This being ſaid, *They* preſented their Articles unto her Majeſty

Majesty with the *greatest humility imaginable*; beseeching God, who is the King of Kings, to defend, protect, and preserve her from all her Enemies, to the increase of her Honour and Greatness, and perpetually to keep her in his holy protection and safeguard.

The *Queen* heard them graciously, and received their Overtures with many obliging acknowledgments; the *Deputies* kissing her Royal hands, retired with much satisfaction, and her Majesty was no less pleased with the *honour* of that day's *Audience*: For albeit that the King of *France* had the first tender of their *Soveraignty*, yet neither was it made with such submission and deference as to her Majesty, neither was the tender so *absolute* then as now; The *Deputies* to *France* were sent indeed with a *general pretence* and *declaration* of surrendring up the *Dominion of the Netherlands* to that *Crown*, but they had *separate instructions* from their *several Principals* (the which they never imparted one to the other, but kept secret) with different *procurations*. The Deputies of *Brabant*, *Flanders*, *Zeland*, and *Mechlin*, were enjoyned to finish the *Negotiation* upon *any terms* they could get, so as that *Religion* and *general priviledges* were confirmed unto *them*: Whereas *Holland* and *Utrecht* had so limited their *Deputies*, that they were to insist upon *better terms*, and rather not to come up to the *general Instructions* of the *States*, than to *exceed them*. I do not read of any such difference in the *Procurations* sent over hither, neither do I find any reason to believe there were any such: The *Queen* for several weighty reasons declined to take upon Her the *Soveraignty* or *perpetual protection* of the *Netherlands*; yet did *She* consent to enter into a *League* with them, to aid them with 5000 Foot and 1000 Horse, and to pay them during the War; which the *Estates* were to repay, when a peace should be concluded. In the mean time *Flyssing*, and the Castle of *Rammekins*

Declarat. Ordin. Holland. & West-Frisl. Lugdun. edit. A. D. 1654. post 1. c. 6. sect. 7. b. 9.

Ib. ca. 5. sect. 22. 28. Cum illustris illa legatio ex singulis Provinciis, an. 1585. instituereturr, ut Regi Galliarum summum Belgii offerretur Imperium, Provinciæ *Brabantiæ*, *Geldriæ*, *Flandriæ*, *Zelandiæ*, *Mechliniæ*, suis delegatis, mandato suarum provinciarum, atque particulari instructione injunxerant, ut multo liberaliorem quàm à fœderatis proceribus constitum erat, conditionem Regi offerrent: & vice versâ *Hollandia* & *Ultrajectum* suis Deputatis hoc mandaverant, ut minùs liberales essent in conditionibus offerendis, quam fœderatis visum erat, verùm eas coarctarent —— *Geldri*, *Zelandique*, exceptâ religione & privilegiis, se suaque omnia Regi Galliæ obtulerunt, quo facilius pax expediri posset, cùm proceres *Hollandiæ* ad hoc tantum se obligassent, jure suo in *uno quodam negotio* se non usuros esse.

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in *Walcheren*, and the Isle of *Brill*, with the *City* and *two Forts*, were to be delivered into the *Queens* hands, to be kept by her Garrisons for caution. The *Governor General*, and two *Englishmen*, whom the *Queen* should name, should be admitted into the *Council* of *Estates*, &c. The *Confederacy* was finished upon the *tenth of August*, and accordingly Sir *John Norris* was sent over with some Souldiers. The Earl of *Leicester* followed as General of her Majesties Forces: The *Netherlands* received him with more *honour*, and conferred on him more *power* than the *Queen* approved of. They made him *General* of all their Forces, *State Holder* and *Governour* of all their Provinces, invested him with all that power which *Charles* V. used to Commission his Governours with. The *Queen* reproved the Earl of *Leicester* for accepting of such *power*, and the *States* for giving it to him. But the *Earl* soon found himself deceived by these *Netherlanders*, for, notwithstanding that they had chosen him to be their *Governour* in so *solemn* a manner, and *sworn* themselves, and the *Souldiers*, obedience to him, yet they pretend to *rule him*, model sometimes, sometimes oppose his *Orders* and Constitutions. Insomuch that the *Earl* found that he should have but a *Titular Government*, being subject to the Commands and Authority of those *pitiful States* and *ordinary Burgomasters*; whereupon he relinquished the Government, proclaiming (even in *Medals*) the *Ingratitude* of *those fellows*. Let them make what complaints they please against *his deportment* there; it is certain, that *All the Clergie adhered unto him, and regretted his departure*: The *Souldiers did mutiny in his behalf*; *Utrecht* and *Frizland* (besides other *Provinces* and *Towns*) *did solicite for his return*: and I find that all the clamour against that *Earl* did arise from the Province of *Holland*, and some *Zelanders* only; as *they themselves* boast in a *Remonstrance* against the other Provinces. To invalidate that *power*, which they had so publickly given him, *Holland*, a Province alwayes branded for *Faction* and *Ingratitude*, having advantaged themselves much by the *credit of the assistance*, more by the *Auxiliaries* of the *English*, began to think it unfitting, that (according to the Articles) the

A. E. Meteran. lib. 13. ad ann. 1585. *E. Grimston* l. 12. ad ann. 1585.

Nunquid non *Hollandorum, Zelandorumq;* virtute & prudentia, Deo juvante, impeditum fuit, nè comes *Lycestrius* neque insidiis, neque vi imperium ad se traheret? Declarat. Ordin. Holland. part 2. cap. 6. 922.

the *English* ſhould be *privy* to the *ſecret tranſactions* of the *Council of State*, and by the advice of *Oldenbarnvelt*, they found out an *Evaſion*, not daring openly to violate the *Treaty*, nor to infuſe *jealouſie* into the *Queen*, by upholding *Clandeſtine Cabals*; and 'twas this: that only *ordinary matters*, and ſuch as the *Engliſh* might know, ſhould be diſpatched in the *Council of State*; but that another *Aſſembly* ſhould be formed, termed the *Convention of the States General*, unto which they ſhould draw all matters of *importance*, and which required *ſecrecy*, under the pretence that the *Council of State* had ſo much buſineſs *already*, as not to be able to diſpatch *the other*. Thus early did they abuſe the *favour* of Queen *Elizabeth*, and by this *illuſion* did they lay the foundation of their **High** and **Mighties**. It is evedent, that during the whole Reign of Queen *Elizabeth*, they were never faithful to the *League*; they treated with *France*, and aided that *King*, without the *Queens knowledge*, which was a *breach of the League*. And whereas by the *expreſs words* of the Articles, The *Queen* was to *conduct them to, and ſettle them in a firm Peace*; and this being done *by her means*, the money was to be repaid: She never could prevail with *them* to come to a *Treaty*, much leſs *any accord*, but they had the *impudence* to ſollicite her to continue *her aids* to a War which *they never purpoſed* to end, it proving ſo *beneficial* to them. When the *Queen* urged, that by the *Treaty*, ſhe was to be *Arbitreſs* of War and Peace: they evaded it by ſaying, *thoſe expreſſions* were but **Complemental**, and argued their *reſpects* to her, not their *dependence* on her judgment. I find them upon their *knees* again, and *beſeeching her moſt humbly*, that ſhe would not conclude a *Peace* with *Spain*; *A. D.* 1598. And this *Grotius* ſaith was done, becauſe it is the cuſtom of the *Engliſh Court* to *petition* the King in that *ſuppliant poſture*: but certainly this uſage extends not to the *Ambaſſadours of their High and Mighties*. But, *in the ſame year*, when they thought that Queen *Elizabeth* might ſtand in ſome need of *their friendſhip*, whether they *bended their knees* unto her Majeſty, I cannot find, but I read-

Diſquiſitiones pollitic. *Haga-comit.* edit. 3. A. D. 1655. Caſ. 21.

Conceptum quidem ſic erat, ſed verba *honori* data. *Grotius* hiſt. Belgic. l. 5.

Qui *Angliam* ierant Legati, *flexo genu* in morem ejus regiæ, cum priorum gratias liberaliter egiſſent----- *Grotius* hiſt. lib. 7.

Audaciam uſurpantes antehac formidatam, ſermonem ita inſtituerent. *Grotius* hiſt. lib. 7.

that

that they dealt with *Her*, not as *formerly*, but with *more arrogant language*. The *Engliſh* Court did then look upon the *Hollanders* as notorious *Cheats*, who pretended *poverty*, and had *Collections* here, when the *ſplendour* and *growing opulency* of their Towns (beſides the vaſt *Bribes* which their *Treaſury* could ſpare occaſionally) were *demonſtrations* of their Riches: that they declined to repay the *Queen* her monies, not becauſe *they could not* do it, but *that they might tye her unto their fortune and aſſiſtance, by the hopes of a re-imburſement of thoſe vaſt Sums which She had expended for them*: Her conſtant Charge being above *one hundred and twenty thouſand pounds* each year: and it is not to be doubted, but that *She* would have reduced *them* by force to a *better obſervance* of Articles, and puniſhed them for their *fraudulent dealings* with *Her*, but that *She* prudently foreſaw that *France* to depreſs *Her*, and *Spain*, to ruine *Her* and *diſable France*, were ready to aſſiſt and protect them.

Id primores Angli ita interpretabantur: nihil iniquius quam fraudare reginam credito, modo per cavillationes modo per fallas preces, quas palam urbium opulentia, & ad largitiones uſque ſufficiens ærarium, reſtellerent. *Grot.* hiſt. l. 7.

Cambden ad an. 1598.

In fine, the *Hiſtories* I have read do ſeem to demonſtrate this, that the *Dutch* were a moſt *ingrateful people* towards Queen *Elizabeth*, that they never rendred her *any Service*, but when it was to *their proper advantage*: all their pretenſions to *Religion* contained little of *reality*, and their *acknowledgements* were but *verbal*, and conſiſted principally in *extraordinary ſubmiſſion* and *deference*, which prevailed much upon the ſpirit of *Her*, who was a **Woman**, and had much of **Haughtineſs**. When ſhe firſt undertook *publickly* to aid them, the chief inducement thereunto was not the **Neceſſity** *of her Affairs*, not the concern for the *Proteſtant Religion* (for *She* adviſed them to be very *cautious*, how they *changed their Religion*) but a **Feminine Humour** carried away by *their flatteries* and *humble applications*, and delighting to ſee *greater ſubmiſſions* paid to **Her**, than to the **King of France**, by the *King of* **Spain**'s *Subjects*. No ſooner had *She* concluded upon an *open amity* with them, but the *Zelanders* triumphing with joy (and to *honour Her*) did ſtamp money with the Arms of *Zeland*, viz. a *Lyon* ariſing out of the waves, and this inſcription, *Luctor & emergo*, that is, *I ſtruggle and get above water*, and on the other ſide, with the Arms of the Cities of *Zeland*, and this; **Authore Deo, favente**

Monens ne Romanæ religionis poſſeſſionem temere moverent. *Grotius* hiſt. l. 3.

A. E. Meteran. l. 13. ad an 1585. *Cambden.* ad an. 185. *Franc. Haraus annal.* ad an. 1585.

Regina, that is, God being the Author, and the Queen Favourer; and I find it to have been an *usual form of speech* amongst the *Dutch* in *that Age*, which they applied to all discourses where it might be suitable, By the Mercy of God, and the Goodness of Queen Elizabeth: and by such *Wheedles* did they inveigle the *Queen* to take (as the King of *Sweden* then said) *the Diadem from her head, and set it upon the doubtful chance of War.* And it is an action not to be parallel'd out of the *Annals* of *impudent* and Ungrateful *persons*, that the *Dutch* having been so *effectually* obliged by that *Queen*, and having by such a continued *series* of *protestations* averred, that they did owe their *welfare* and being to the Mercy of God and Favour of Queen Elizabeth, they should now take no notice, that the *English* contributed any thing to *their* support: So detestable *baseness* doth make me judge, that if it were not *their Interest*, Their *Religion* is such, that They would proceed to ascribe nothing unto God himself: and all *they* write to *that purpose*, is no more than a Complement from their High and Mighties to the Almighty.

Camden ad an. 1585.

We shall omit to relate how often the Republick (after that by the hand of God she was raised from that desperate condition) hath trembled and quaked both for fear of Foraign Enemies, and Intestine combustions.

Histories will declare unto us, that not only the State of the united Provinces, but all the Netherlands, which together (but not with a strict obligation) were tyed, were sufficiently plunged into the extremest inconveniences by the perfidiousness of the Duke of Anjou, brother to the King of France: And that afterwards the United Provinces were brought into a deplorable disorder, and beyond all posture of defence, by the craft and ambitious designs of the Earl of Leicester, sent hither by Queen Elizabeth for our protection.

I have already spoken concerning the Earl of *Leicester*, and their *ingratitude* towards *him:* the *French* do form the like *charge* against them in behalf of the Duke of *Anjou*, that they violated their *agreements* with him, gave him only an *empty Title*, but *reserving* and *drawing* all the power into

into their own hands: the ſenſe of which *indignity* (conſidering that *He* was a Brother of *France*, and had brought them *powerful ſuccours* in their diſtreſs) made him take the courſes ſpecified. And it is obſervable, that in all *theſe* and *other emergencies*, where the *Dutch* are branded for their *Ingratitude*, *Perfidiouſneſs*, and *unworthy Dealings*, the particular Province of *Holland* is always the ſole *Author*, or *principal* occaſion. Whereof *they* themſelves *boaſtingly* give a relation in their *Manifeſt* publiſhed at *Leyden* 1654. It is *thence* that I derive my *Intelligence*, that the *Infant States*, being jealous of the *Power* and *Popularity* of *William* Prince of *Orange*, did **without ever acquainting him therewith**, invite the Archduke *Matthias* to be their *Governour*. And it is **there** that I read of a *great peril* that *Holland*, &c. was in, and how they were delivered from it, the which our *Conſiderer* might have ſeaſonably inſerted here, as well as the reſt, *viz.* The States of *Holland*, *Zealand*, and *Utrecht* were determined to make Prince *William* Earl of *Holland* with all the *Prerogatives* heretofore enjoyed by ſuch *Earls*: and though *Amſterdam*, *Gouda*, and ſome other Towns diſſented, yet were they reſolved to *purſue their intentions*: but the *Prince* was aſſaſſinated a month before the *Inſtallment* could be effected; **and God moſt providentially did thereby free the Subjects of Holland from that ſubjection into which they were running precipitouſly.** There cannot be a greater teſtimony of the *degeneracy of this Age*, in which ſuch *Ingratitude* is publickly avowed and authenticated by a **ſolemn declaration of the States of Holland** and **Weſt-Friſland, & the moſt infamous actions in the world** (and ſuch as would create a bluſh in the countenances of any men but *Hollanders*) are recited as the **moſt glorious**. 'Tis there that I read, how the *States* of *Groningben* and *Ommeland*, immediately upon the Murther of Prince *William*, did deprive his Son, Grave *Maurice*, of all his *Dignities*, *Honours*, and *Emoluments* in *their Province*, and never admitted any of *that Line* to be their *Governour* unto this day. 'Tis *there* that I read a defence of *their ſecluding the Prince of* Orange *from being* **State-holder**, *or* **Admiral**, *or* **General** *of the Forces of the United Provinces* (a ſeperate *Article* which *Holland* concluded

Ideo Archidux *Matthias* Belgii imperio admotus, cum quo *inſcio principe* contraxerant, ut nimia principis autoritas eliderentur. *Declar.* ordin. *Holland.* part 2. cap. 3. ſect. 9.

Deus opt. max.--- ipſos ſubditos nova ſubjectione, in quam præcipites ferebantur, exemit. *Declar. ordin. Holland.* part 2. cap. 1. ſect. 20.

Ordines Urbis *Groningæ* atq; *Ommelandiæ*, ſtatim poſt mortem Principis *Gulielmi*, noviſſimè defuncti, filium ejus dignitatibus omnibus privarunt---- *In Friſia* linea illa uſq; ad hodiernum diem Secluſa permanet. Ibid. par. 2. cap. 6. ſect. 14 16, 11. Part 2. cap. 6.

ded with *Cromwell*) wherein they extenuate and deny *any obligations* they have to the *whole House of Orange*; and therefore they might, without breach of *Morality* and *Civility*, proceed as *they did*. I confeſs I was amazed to read *ſuch things*, and wondred not that Queen *Elizabeth* and our *Engliſh* Kings meet with ſo much *unmoral* uſage amongſt theſe *Hollanders*, ſince Prince *William* and his *Heirs* are *thus* intreated: and whilſt others behold the *Dutch* as *Proteſtants* and *Chriſtians*, I cannot but rank them amongſt the *worſt of mankind*, not to be parallel'd by any known race of *Pagans* and *Savages*.

We will likewiſe paſs by in ſilence the relating of thoſe paſſages, of which many of us have been living Witneſſes, as when the whole Country, by a ſudden Invaſion on the Velewe, and the taking of Amerford, was in the like manner alarm'd, as Rome when Hannibal appeared before her Gates.

This is largely deſcribed by *D. Heinſius*, in his Siege of *Bois le Duc*.

This Invaſion hapned *Anno Dom.* 1629. The *Spaniards* joyning their Forces with thoſe of the Emperour under *Montecuculi*, did make the ſaid irruption, and ſurpriſed *Amerford*, being already Maſters of *Weſel*. All *Holland* was affrighted, and their *High* and *Mighties* forſook the *Hague* to ſit at *Utrecht*. The recent memory *hereof* might ſuggeſt unto the *Hollanders* more of *moderation* in their deportment, ſince they are no more *aſſured* of their *good Fortune*, than the World is of their *good Manners*. I could not but *compaſſionate* the diſtreſs of old *Rome*, the memory whereof this paſſage renewed; and I wiſhed that victorious *Montecuculi* had prevented our Prince and the King of *France* in the reducing of *Holland*, whoſe *baſeneſs* repreſents them to have a greater affinity with *Carthage* than *Rome*, and the *Belgic Faith* imports as much of *Treachery* as ever did the *Punic*.

And foraſmuch as comes within the reach of our own Memories; we have yet freſh remembrances of the War with the Lord Protector Cromwell, into which by a certain deſtiny, and an intereſt beyond intereſt, we were drawn, at a time when the Nation, for want of Ships and Guns, was reduced to a perplexity, the thought whereof we cannot entertain without grief, and alteration in our hearts.

All that are acquainted with the tranſactions of *that War*, do

do well know that the *Dutch* began their *preparations* for that *War* long before the *Engliſh* apprehended it: they ordered 150 Ships to be equipped out, and beat up their Drums for Volunteers to man them, amuſing the *Engliſh* with a Declaration, that *this* was done to *ſecure the Commerce*; ſo that no preparations extraordinary were *then* ſet on foot in *England*; and whilſt they were in *League* with this Nation, and in the midſt of a Treaty for a *ſtricter Alliance*, their *Admiral* moſt perfidiouſly comes into *Dover* road, with an intent to deſtroy the *Engliſh* Navy, and aſcertain thereby to his Maſters the *Dominion of the Sea*. I more willingly mention theſe things, becauſe they are an inſtance to *ſome people*, not only of the *perfidiouſneſs* of the *Dutch*, but of the *equity of his Majeſty's preſent quarrel*: for that *War*, was grounded upon the *ſtriking of the Flag*, and the *Dominion of the Seas*: and it is apparent *Faction*, not any *colourable reaſon* which can ſway any man that approved of *that War* to condemn *this*. It is alſo an inſtance, that the *preſent quarrel* of the *Dutch* is not with *His Majeſty*, His Royall *Highneſs* and the *Court*, but with the *Nation*. In other caſes it is *irrational* and *impudent* to diſtinguiſh betwixt the *Political* and *private Capacity* of our King; but in this they are ſo *inſeparable*, that the intereſt of the *People*, *King* and *Court* are all *one*, and equally concerned in the *evil ſucceſs of our Fleet*: and were we (by a deteſtable *fiction*) deprived of the *King* and *Court*, the *Controverſie* would ſtill remain betwixt the *Dutch* and the *unhappy ſurvivors in England*. It was not the want of *force* at that time which occaſioned the misfortunes of the *Hollanders*, but the *Courage* and *Valour* of the *Engliſh*: and what may we not (under God) promiſe our ſelves from the *ſame perſons* now, who, beſides the *ſenſe* of their *paſt Victories*, have this further *incitement*, that they fight under their *lawful Prince*, (a Prince ſo *juſt* and *generous*) and the auſpicious Conduct of his *Royal Highneſs*.

This is expreſſed in the *Declaration* of the *pretended* Commonwealth; and they determined to aſſert the *right of the Flag*, not only as an *Honourable ſalute*, but as a *teſtimony* of their undoubted right and *dominion upon the neighbouring Seas*.

Through all theſe difficulties, and innumerable others, we have, by the mercies of God, waded, and would have wiſhed with all our ſouls by a long continued Unity (the true and innocent Intereſt of our Peace-coveting Republick) to have taſted the fruits of our ſharp labours and dangers;

dangers; but it hath pleaſed God to order and diſpoſe it otherwiſe, who by his juſt and adorable judgements forceth us to acknowledge that we now (as much as ever) ſtand in need of his powerfull protection, ſince we find our ſelves at this preſent time, encompaſſed with a neceſſity to oppoſe the extreameſt aſſaults of the greateſt Forces of Europe, with a power which indeed is inconſiderable in compariſon of that of our Enemies, by which yet (how weak ſoever) we do not deſpair to defend and ſecure our ſelves; ſtrengthned with hopes that God ſhall pleaſe to look upon the Equity of our innocent caſe, with the eyes of his juſtice, and our ſins and defects with the eyes of his mercy.

These expreſſions argue *fear* in the *Authors*: and it ought to add to the courage of the *Engliſh*, that beſides the *terrors of an evil Conſcience*, and the apprehenſions of *divine vengeance* for their *preſent perfidy*, and former *Barbarities* to the murdered and ruinated *Engliſh*; they are alſo ſenſible of the *puiſſance of their Enemies*, now in conjunction againſt them.

And, in truth, if ever the Sword is drawn in time of neceſſity, and for innocent defence of our dear Country; it is at this preſent; in which it ſeems the Grandees of this world, have in the counſel of the power of darkneſs, concluded the ruine and deſtruction of the United Netherlands, aſſuming to their aſſociates, all ſuch as value Chriſtian bloud, no more than that of Sheep and Goats, delighting their eyes with the devaſtation of Countries and Cities, even as if they beheld Comedies.

Wiſe people do frequently look back upon things paſſed, and by comparing thoſe with the *preſent Tranſactions*, they from thence form unto themſelves *Documents* and *Rules* whereby to regulate their deportment: If our Enemies, the *Hollanders*, had amongſt the *difficulties* through which they have waded, called to mind the *meanneſs* of their own condition when they ſought *refuge* here, and when Queen *Elizabeth* ſupported them, the *Vicinity*, *Srength*, and *Generoſity* of the *Engliſh* Nation, the *candor* and *ſincerity* which hath been conſtantly expreſſed unto them by the *Royal Anceſtors* of his Majeſty, whilſt they favoured theſe *infamous Netherlanders*. Had they conſidered the *viciſſitudes* of Fortune, how great and unexpected they are; the *dangers* of growing too *puiſſant*, though the foundation of *Grandeur* be not laid in the wronging and depreſſing of others; that 'tis requiſite for *them* who advance themſelves by *fraudulent means*, and the *injuries* of others, to retain ſome *firm Allies*, and by the

the repute of their ſincerity, to *ſome*, efface the *ignominy*, and allay the *odium* which their *perfidiouſneſs* to others would create them. Had they aſſumed ſuch thoughts *as theſe*, they had never contracted ſo *univerſal* an *enmity* as they are now in danger to ſink under. Their condition is altogether like that of the Earl of S. *Paul*, who having enriched and advantaged himſelf by a conſtant practice of Treachery to the Kings of *England* and *France*, and the Duke of *Burgundy*, none of them being ſafe from his *machinations*, nor being able to rely upon any promiſes of his, how *ſolemn* and *ſacred* ſoever, they all together reſolved to eſtabliſh the *common tranquillity* by the ruine of that *perfidious* man. And when the City of *Venice* had by *ſeveral artifices* aggrandized her ſelf, and incroached upon the *Dominions* of ſundry Princes; the *Emperour*, *French King*, *Pope*, and others did all join againſt that *Republick* (which by ſo many practices in *raiſing* and *fomenting* of the Diviſions and Wars of *Italy*, breaking of *former*, and entring into *new Leagues*, as *advantage*, not *right*, did excite them) and deprived the *Venetians* of all they held in *Terra firma*. It is in vain for the *Conſiderer* to *juſtifie* the preſent War unto his Country men, by urging **Neceſſity** and **Innocent defence of themſelves**: How *ſpecious* ſoever *thoſe pleas* are, they avail not in *this caſe*, becauſe, they by the *manifold injuries* and *contumelies* done to the K. of *England* have provoked him to attacque *them*, and *created* to themſelves this *Neceſſity of Warring*, nor is their Defence *innocent*, becauſe it includes a *Defence* of the moſt *barbarous Criminals* againſt all Laws *divine* and *humane*: And certainly if ever any *War* was juſtified by the *Laws of Nature* and *Nations*, if *ſelf-preſervation*, the *protection of injured Subjects*, *vindication of Right*, *revenge of great Injuries and Indignities*, be *juſt motives* to commence a quarrel (as **each one of them** is) never was any *Prince* more wronged than *his Majeſty* is, when the *glory* of his preſent actings is *extenuated* or *ſoiled* by any charge of *injuſtice*; nor do I find amongſt *his Aſſociates* any ſuch as *value Chriſtian bloud no more than that of Sheep and Goats*, but I find *He* hath for *Enemies* thoſe that ſo *exquiſitely tormented* and ſo *barbarouſly put to death* the **Engliſh at Amboyna**, and by a thouſand actions *no leſs cruel*

The depoſitions of their cruelties againſt his Majeſties Subjects in the *Eaſt Indies*, *Guinny*, and other places, are to be ſeen in the *Regiſters Office* in the *High Court of Admiralty* kept at *Doctors Commons*.

cruel have teſtified their little regard to *Chriſtian bloud.*

The *Conſiderer*, that he might evince the *Equity of their Cauſe*, pretends to deduce its original: the ſum of his prolix diſcourſe is this. That the King of France urging his pretenſions on a conſiderable part of the Spaniſh Netherlands, in right of his Queen to whom they were devolved: The United Netherlands moved by a Peace-loving inclination, and apprehenſion of a terrible Neighbour, did endeavour to extinguiſh the fury of that War, whoſe flames they feared would not only conſume the adjacent Countries, but alſo ſcorch the more remote places: and to that end they aſſociated Counſels with the Kings of Great Britain and Sweden, and joyntly concluded a Triple Alliance betwixt themſelves, by which they have mutually obliged each other to promote the peace betwixt France and Spain on the terms and proffers of the Alternative, and by the ſame peace to ſecure the quiet and tranquillity of Chriſtendom: promiſing each to other, for further confirmation of the ſaid Triple League, That betwixt them *always* ſhould be, and continue a *Sincere Unity*, and *ſerious correſpondence from their hearts*; and in good faith to advance each others profits, utility and dignity, and whatſoever ſhould oppoſe it ſelf thereunto with their beſt endeavours to remove: and if at any time it ſhould happen, that this their amicable intention ſhould meet with a wrong interpretation, and by chance an untimely revenge of War by any of the ſaid parties, or any others on their behalf, ſhould be offered to any of them Confederated, that in ſuch caſe they ſhould faithfully aſſiſt one another.

This is the ſubſtance of the *Tripple Alliance:* After which he adds, That the King, the King of England, is ſenſible in his own Conſcience (though with words he diſſembles, and diſowns the knowledge thereof) that by reaſon of the Triple Alliance, the Dutch are menaced with a War from France, and that, whatſoever the moſt Chriſtian King pretends, this is the true reaſon of his deſigns, and which he hath plainly diſcovered in all Courts, and is no more than he threatned them with at firſt, in caſe they

they ratified the Triple League. And therefore by vertue of this Triple League the King of England owes the Dutch an *unconfined aid*; As also *limited succours* of forty Ships of War, six thousand Foot, and four hundred Horse, by vertue of the *Defensive Articles* concluded in 1668. To which his Majesty is obliged, *If their High and Mighties be attaqued by any Prince, or State, on what pretext soever.* The King of England being under these obligations, and being extimulated by *Ambition, Avarice, and an insatiable thirst after blood,* determined to take the opportunity of this juncture (wherein the most potent King of France did threaten the Dutch with a terrible War) to pursue his unchristian designs, and to dis-engage himself the better from all obligations of Aid to the Dutch, doth *of himself previously begin a War*, and with a specious Declaration, *palliates and dissembles his foul and malicious designs.*

This is the *entire substance* of what the *Considerer* tediously doth insist upon, and is the sole *foundation* whereupon he proceeds to justifie the *Dutch*, and with *all possible aggravations of Language* bespatters the King of *England*, as if *no Chronicles ever produced such a precedent of violated Faith, as his Majesty doth now give an Example of.* I do confess that *nothing ought to be more sacred, than the word and faith of Princes*: That *War is the last of remedies whereunto they ought to have recourse, and which ought not to be commenced, but upon just, honourable, and necessary grounds*: I do acknowledge the tenor of the *Triple League*, and the *Defensive Alliance.* But I do avow that his Majesty is *no way* concerned in the *violation of them*; Nor is the Allegation of them *pertinent* to the *present quarrel*: and of all the *futile pretexts*, which I have read of in *History*, this is the *worst* whereon the *Dutch* do bottom themselves. The *Triple League* doth no way interest his *Majesty in their defence*; For it doth not appear that the most *Christian King* doth invade them for entring into it; There is no Authentick Declaration or Testimony, that this is the motive which prevails with *Him* to undertake this *Enterprise*: The *Secrets of his mind* are

known only to *himself*, and to the *searcher of all hearts*: It is not for men to proceed upon *conjectures* and *surmises* (which oft-times prove *vain* and *false*) as if they were *certain Truths*; nor can any *Prince* be obliged **indeterminately**, (and such is the present *unreasonable plea* of these *Hollanders*) where the **condition** of the aid to be given, is particularly **specified**, viz. **If it should happen that this their Amicable intention should meet with a wrong interpretation, and by chance an untimely revenge of War by any of the said Parties, or any others on their behalf should be offered to any of them confederated, that in such case they should faithfully assist one another.** Can there be any thing more clear, than that the *aid* to be given is *suspended* upon this *one circumstance*, that the *Triple Alliance* should fall under a **wrong interpretation**, and that **thereupon** the party *demanding the Aid*, should be attacqued by a **revengeful War**? How doth it **appear** that the *entring into the Triple Alliance is mis-interpreted*, since it doth not **appear** that his **Christian Majesty** did ever debate it, much less **declare** himself therein? How doth it **appear** that **He** plainly discovered *this sentiment* by his Ministers *in all Courts*, since it doth not **appear** that **He** gave them *private* or *publick* instructions to **say so**? Must a *Prince* answer for *every expression*, or *every particular action* of his *Ambassadour*? Can there be **no other cause** but **this** found out why the King of *France* should attacque the *Dutch*? Cannot we imagine, that the *French* retain a *secret and inveterate desire of revenge* for the *notorious perfidy* of the *States General*, when they concluded a Peace with *Spain*, without mentioning the Crown of *France*, or having any regard to the *French* Interest? Or, is it not *possible* for the *Christian King* to make War upon them *without a cause*? or meerly for *enlargement of Empire*? Or for other *concealed reasons*, or *unknown indignities*? What **pregnant proof**, or **legal presumptions** do the *Dutch* alledge then, that **This is the cause of the present War**? And with what **impudence** do they upbraid *our King*, as *if the thing were so*, and *He knew it in his conscience*, **to be so**, when as the *Considerer* himself in the Conclusion of his *Treatise*, says *it is not so*? viz. **I shall hint at nothing else in the King of**

Obstrictio in quibusdam videtur à cæteris liberare Et locus subjectus certis pactis & conditionibus, in cæteris manet liber. Et qui se subjecit in quibusdam, videtur se servasse in reliquis liberum. *Albericus Gentilis* de jure belli, lib. I. cap. II.

of France's Declaration, but that it appears visible therein, that the War of that high renowned King proceeds *from nothing else but a formed design to enlarge the limits of his Territories as far as his ambition is extended*; yet that we hope that God Almighty shall by the same hand, by which he hath hitherto preserved us, confound the designs of the King—— I doubt not but *hereby* it is manifest, that His Majesty is *no way* concerned by the *Triple League* to assist the United *Netherlands in this Juncture*: and even so the Swedes, by *their indifference*, shew how much *they* approve of the *Judgment of his Majesty*: and no man can say *otherwise*, but such as either regard not *what they speak*, or else take the freedom to *surmise*, and *aver*, whatsoever is for *their Interest*.

I come now to the Defensive Alliance, whereby his Majesty A.D. 1668. did oblige himself unto that State, to give them an assistance (if attacqued by any Prince or State on what pretence soever) of forty ships of War, six thousand foot, and four hundred Horse, upon promise, three years after the expiration of the War, to be re-imbursed of the charges of the said succour. But neither is *this Alliance* of any more validity *at present* than the *other*: It is the *common opinion* of the *Civil Lawyers*, and *Reason* it self dictates it, that, *In all Articles* and *Treaties* for *peace*, there is *this exception* to be supposed in the Contractors; *Unless some new cause intervene*: *Unless it be by the default of him with whom the League and compact is made*: or, *Affairs continuing in the same posture and state, in which they were at the time of the contract*. And that saying of *Ulpianus* and *Pomponius* concerning *private compacts*, viz. That *an agreement is not violated, from which a man recedes upon a just reason and motive*; this by *Interpreters* is extended to *National Leagues* betwixt *Princes* and *States*. This being supposed, It remains that we enquire, *whether the King of* England *had any new cause or provocation given him*? For, if *such* a matter do *appear to have happened*, though it be *slight*, nay *disputable*, yet is his Majesty absolved from *breach of Faith*, though not altogether from the imputation of *injustice*: But if the *provocation* be *weighty*, and of *high importance*, nothing can be more legitimate than the *present rupture*

Qui promittit non offendere, is subintelligit exceptionem, *Nisi causa supervenerit*; *nisi culpa accesserit ejus, cui promissio ista fit, & pactio fœderis*; *Rebus sic stantibus*. Alber. Gentilis de jure belli, lib. 3. cap. 24. Grotius de jure belli, lib. 3. cap. 20. sect. 28. Zouche de jure fœciali, part 2. sect. 9. *qu. An provocato, pacto pacis contravenire licet?*

Albericus Gentilis ubi supra. Et *Zouch. ibid.* *Pactum pacis, inquit, Grotius, admittit, ut si nova causa subsit, vis bellica inferatur, quæ si probabiliter a jerri potest, satius est in justitiam sine perfidiâ, quam cum perfidiâ admissam credi.* Vide *Grotium*, loco citato.

rupture which his Majesty hath made with the *Dutch*. I would willingly know, if any *Englishman* can think that his Majesty could be obliged to this *Defensive Alliance*, without any regard to the *Peace* concluded upon at *Breda*, that is, without any supposition, that he was in 1668 in any terms of *Amity* with *these Netherlanders*: If this be *unimaginable*, then it is apparent, that the observation of *these Articles*, on his Majestie's part, depends upon the observation of the *precedent peace*, on the part of the *Dutch*. His Majesty never contracted *this League* with them, so as to *derogate* from *that*, and to tye himself up to the *Assistance* of the *Dutch*, against the King of *France* (or any other *invader*) notwithstanding that they should *violate their Articles*, and multiply *injuries*, *indignities*, and acts of *hostility* against *Him*, and his *Subjects*. No *Prince* ever fettered himself thus; no *Laws of Nations*, no *common* reason admits of such a Phancy: and therefore the *notorious violation of that peace* doth plenarily *absolve* his Majesty from the bonds of this *subsequent Alliance*.

Si conditio quædam, quâ societas coitur, socio non præstatur; vel si eâ re frui non liceat, cujus gratiâ societas sit inita: rationem habet renunciatio societatis. Et ergò videtur, quod si in uno non fiat satis societati, discedi ab omni societate possit. *Alber. Gentil.* ubi supra.

The *Considerer*, no doubt foresaw this defence, but would not take notice *of it*, lest he should have been obliged to refrain from the aspersions of **unparallel'd perfidiousness** and **violated Faith**, the *Name* and *Noise* whereof might advantage him amongst the *Dutch populace*, and the more *ignorant* sort of men. And, to give a further colour to his calumnies, he says, that the *Reasons which his Majesty alledgeth, are not the Reasons which he proceeds upon:* They are but *forged pretensions*, whilst the *true inducements* to this rupture are *Ambition*, *Avarice*, and *insatiable revenge*, Since *the Man* so little understands his Majesties *inclinations* and *deportment*, which have been *hitherto* such as yield *no ground* for a *charge of this nature*, I will not stand to refute his *insolent* and *barbarous conjectures*, nor believe so ill of the most *generous*, *mild*, and *peaceable* Prince in the world; as that He diligently *sought* occasions for a War, when the *injurious Dutch* rendred all peace *unsafe* and *dishonourable* unto him.

I shall therefore examine what my Author doth urge against the *Declaration of his Majesty*, wherein when my Country-

Countrey-men shall be satisfied, I doubt not but they will approve of the *Justice* of his Majesties Cause, and be inflamed with a zeal to vindicate the *honour of their King*, and the *necessary rights of the Kingdom.*

Concerning the business of *Surinam* (my Author doth not *consider* every thing) all that is said amounts to this; **That the place being taken in** March 1667. **by** Adrian Crynsen **of** Zeland **with the forces of** their State, **and so under** certain Covenants **reduced to their obedience and subjection, was indeed in the month of** May **next following retaken by the** English; **but that the same in pursuance of the** sixth **Article providing, that** all Lands, Cities, Fortifications, **and** Colonies, taken during the War by any of the parties then in Arms, from the other, and after the $\frac{10}{20}$ of May retaken, should be restored to the first taker, **was delivered up again into the possession of the States: He wonders that the King of** England **should offer to style any of the** Inhabitants **of** Surinam **to be** His Subjects, **since by the** rights **of** War, **and the** Articles of Peace, **the** plenary Dominion **and** right of Soveraignty **is transferred to the** Dutch: **and** they **being now** Subjects **to that** State, **ought to complain to their** States General, **if the said** Capitulations **be not observed duly; but that the King of** England **is no more interessed in them, than is the King of** Spain.

To this I answer, That by the *third Article* instanced in, though the *plenary right of Soveraignty* over *Surinam* were transferred; yet it is *expresly* said, *They are to have it altogether after the same manner as they had gotten and did possess them the* $\frac{10}{20}$ *day of* May *last past.* It remains then, that we enquire, *What manner of Soveraignty the Dutch had in* Surinam, *by their conquest thereof, by the Capitulations of* Abraham Crynsen: and this **appears** to be no other than what the *Dutch* had over *Bois le Duc*, when *Grobbendonck* capitulated to surrender it to the Prince of *Orange* upon terms, to march away with flying Colours, and such Inhabitants as pleased might remove their Estates and Goods into the King of *Spain's* Dominions within a certain time. *&c. A.D.* 1629. so were the Inhabitants of *Surinam* to have convenient liberty to transport themselves and their estates into the King of

of *England's* Dominions. And as *Grobbendonck* by his *Capitulation* (together with those comprehended therein) did not become the *Subjects* of the *United Netherlands*; no though *He* or *his Followers*, had stayed several months in the *surrendred Town*, but retained to the *King of Spain*, so neither did these of *Surinam* become by *their Capitulation* Subjects to the *Dutch*: 'tis true they gained thereby the *Soveraignty* of the *territory*, but not of their *persons*: and to deny *this*, is to act by the *punic* or *Belgic* Faith, to deny that *Abraham Crynsen*, at that *distance*, had power to grant *Articles*, and to act as *Hannibal* did, when he refused to ratifie the conditions granted by *Maharbal*, because *He* (though absent) was the *Superior*, and had not signed them: which deed is censured by *Livy* thus, *quæ punica religione servata fides ab Annibale est, atque in vincula omnes conjecti.* This being premised, I cannot understand, *why the King of England* might not call them *His Subjects*, and *send for them*; and as an *high injury* resent their *detaining*, since *thereby* He is deprived of so many *serviceable Planters* in his *other Colonies* thereabouts.

Grotius de jure belli, l. 3. c. 22. s. 9. Zouche de jure fœciali, part. 2. sect. 9. qu. *An conditiones deditionis à duce concessæ, à supremâ potestate præstanda sint?*

The King proceeds from the grievances of the business at Surinam to a complaint of pretended affronts, **which** He **alledgeth to have suffered from the** States, **as well in making as** shewing **of** Pictures, Medails **and** Pillars, **as in refusing to** strike **the** Flag: **declaring that the first alone,** viz. the making and shewing of Pictures and Medails **hath been a** sufficient motive of his displeasure, and the resentment of all his Subjects, **that is, in one word,** of the War. **God preserve the World from such** Christian Princes, **as for a** Picture **or** Medail, **make no scruple to stir up Commotions in** Christendom, **and to cause the effusion of so much** innocent blood —— I never yet apprehended that *Christianity* obliged its *Professors*, to abandon their concerns for a *good repute* and *honour*. They have indeed some such *Aphorisms* in *Holland*, where the regards of *Vertue*, *Piety*, *Justice*, *Honour* do yield to those of **Gain**. But in other places the *case* differs, and the *most honourable considerations* prevail above the *infamous*, though profitable. S. *Augustine* and all *Casuists* do agree, that *those Wars are just*, *wherein*

such

ſuch injuries are avenged upon a Nation or Kingdom, which that Kingdom or Nation hath either neglected to puniſh in their own Subjects, or refuſed to yield ſatisfaction for unto the party injured. And if the *Conſiderer* had imployed his time in any diligent reſearch into the *juſt cauſes of War*, he would have found the moſt *knowing*, *prudent*, and *learned Chriſtians* to teach; that ſometimes *private indignities*, always the *Indignities put upon Princes* are a *juſt cauſe of War*. Thus did *David*, though *a man after Gods own heart*; who we are aſcertained *did not ill* in making War upon the *Ammonites*, becauſe they *cut off half the beards* of his Ambaſſadours. It is moſt certain, that beſides the *defence of his people* there are other *Titles*, and other conſiderations which put *Arms* lawfully into the hands of a *Prince*; there are *other* wounds to heal, and *other* breaches to make up; than the *ruine of his Subjects*; the outrages acted againſt his *Honour* are to be revenged, and the ſpots wiped off, which are imprinted upon *the reputation of his Crown*, as one of the *Pillars* which bear up his *Greatneſs*, and therefore to be carefully preſerved from blows, that it fall not into *contempt*. The *Reputation of a Prince* is by ſome compared to the *Credit of Merchants*, which maintains them in *honour* and *luſtre*, though they be in effect *poor*, and gives them oftentimes means to fill up the *concealed emptineſs* of their Coffers, and to repair the weak *inviſible* condition of their fortunes. But when a Prince is wounded in his *Reputation*, and his *Forces* are cryed down; when his proſperities are leſſened, and his diſgraces increaſed, when endeavours are uſed to obſcure the luſtre of his greatneſs and puiſſance, wherewith the eyes of ſtrangers ought to be dazled, and to draw a curtain before the exteriour face of his affairs: This is the ſubject of a *juſt War*, and whatſoever *private* Chriſtians may do in ſome caſes, Princes do not diſcharge *their duty*, nor take requiſite care for *their ſubjects*, if they do not avenge *notorious contumelies* and *indignities*; nay I dare add, that ſuch of them as are negligent in this caſe, do not only run into *great perils* from *Foreign* Kings, but their *Domeſticks* and *Subjects*, who will be prone to *deſpiſe*, *trample upon*, and *ruine* them whom they ſee univerſally *contemned* and *affronted*. The *Caſuiſtical Divines*

Lud. Molina de juſtitiâ tr. 2. diſp. 102. *Alber. Gentilis* de jure belli. l. 1. c. 18. 20. 21. *Fr. à victoriâ* relect. 6. ſect. 4.

Lud. Molina de juſtit. tr. 2. diſp. 104. Cauſa particularis juſti belli eſt *injuria aut contumelia notabilis principi illata*. *Grotius* de jure belli. l. 3. c. 20. ſect. 40. *Alber. Gentilis* de jure belli, lib. 1. cap. 18.

Etiam ſtant Reges, & regna *nomine*, atq; *exiſtimatione*, quare ... menq; tueri oportet. Et *culpa* fuerit relaxare vindictam. *Alber. Gentilis* de jure belli, lib. 1. cap. 18.

Ex cujus infamiâ sequitur infamia subditorum; tenetur ex Justitiâ non condonare famæ restitutionem: ita quod si remissio facta fuerit, nihil valeat: quia non potest cedere juri subditorum. Et quando subditi notantur de crimine infamiæ, propter infamiam prælati (vel principis) habent jus ad famam & Prælati & ad propriam; ergo Prælatus non potest condonare restitutionem propriæ famæ. *Dom. Baunes* de jure & justitiâ Qu. 62. Artic. 2.

Omnis qui infamat proximum tenetur restituere illi famam, & omnia damna, quæ consequuntur ex infamiâ illius. id. ibid. & *Leon. Lessius* de justit. & jure, lib. 2. c. 2 dub. 19.

vines and *Civilians* are herein agreed, and they do not allow a Prince the *liberty* to pardon *Indignities* and *Contumelies* done to *his Person*: because his *Reputation* is not properly *his own*, his Subjects *share therein*, and whatsoever indulgence *He* grants in such cases, they are *null* and *invalid*. It is further adjudged, that whosoever doth act or speak any thing to the defamation of another, is obliged *in conscience* to make the injured party *reparation*, not only as to the *indignity* it self, but as to *all the damages* which he received by reason of the *disparagement* done unto him. And should the *English* pursue herein what in *Justice* they may, the greatest part of the *Dutch* Trade in *Guiny* and the *East-Indies*, as also *Russia* should be put into their possession: For these insolent *Hollanders* have advanced themselves to the present *grandeur* and *height*, as well as vastness of Trade by affronting the *English* Merchants, *defaming* and *belying* most contumeliously the *Person*, *Conduct*, and *Strength* of their *Prince*, and by exposing him to *scorn* and *derision* by *ridiculous Pictures*, and *odious Medails*. And because that this *last Instance* is a part of the present contest, and would indeed *alone authenticate it*, I will relate the evil effects of these *Medails* and *Pictures*, which they occasioned unto the *English* in *Muscovy*, as the deceased Dr. *Collins*, who was Physician to the *Czar*, hath left it upon record. *The* Hollanders *have another advantage, by rendring the* English *cheap and ridiculous by their lying Pictures, and libelling Pamphlets, this makes the* Russian *think us a ruined Nation. They represent us by a Lyon painted with three Crowns reversed, and without a tayl: and by many Mastive Dogs, whose ears are crop'd, and tayls cut off. With many such scandalous prints, being more ingenious in the use of their Pencils than Pens. These stories take much with the barbarous people, when no body is present to contradict them*—— It is no *Justification* for the *States General* to say, that these are *for the most part* the actions of *particular persons*, for which the publick is not *accountable*. It is enough for the *English* that the *States* themselves *published some*, and that no sollicitations and complaints could make them *recall*, *suppress*, and *prohibit* the others: this deportment of *theirs* doth amount to an *authorizing of them*, and 'tis a Rule

Dr. *Collins* survey of *Muscovy*, cap. 16.

C

that

Devictis Anglis: P.B.F.F.

P.B.F.F.

Devictis Anglis latrant non Mordent

that *Aratihabition in deeds, is more powerful, than a ratihabition in words: And the Republick involveth it self in those crimes, which it refuseth to punish.* So *Agapetus* in *Justinian* declares. *'Tis the same thing to offend ones self, and not to prohibit the offences of others.*

This controversie about *Indignities* and *Contumelies* done to *Princes*, doth recall into my mind the *violence* wherewith former *Kings* have resented them. *David* without any *formalities* of denouncing War (that I read of) attacqued the *Ammonites*, and with *horrible torments* revenged the *indignities* done to *his Majesty* upon the Inhabitants of *Rabbah*. And *Gustavus Adolphus* invaded the *German Empire*, without ever *declaring War*, to revenge the *contumelious usage* of his *Embassadours* at *Lubec*. Had either of those *potent Kings* received any such *injuries* and *affronts* as his *Majesty* of *Great Britain* hath had multiplyed upon him, how *fierce a vengeance* would they have taken upon their *barbarous* and *insolent Enemies*, whose *outrageous doings* do give unto *any rigours* the face of *Justice*, and absolves from the *usual solemnities of War.*

I suppose it *now* manifest that *our King* might with a great deal of *Justice* make War upon the *Dutch*, meerly in vindication of *his own honour*, and that without the *usual form* of *declaring War*: But because this *last circumstance* is represented so *tragically*; as if thereby the *English* Ships, though acting by a *Royal Commission*, were Pyrates, and as bad as those of *Algiers* and *Tunis*: I shall demonstrate that the *solemn Declaration* of War, before it *begin*, is not always necessary.

It is not any part of the *Law of Nature*, that a Prince *denounce War* before he begin hostilities: All that Nature directs *Us* unto in this *case*, is, that we *repel force with force*, and *avenge* our selves, or *take* repa-

Si Universitas negligit illud factum emendare, jam nunc illaqueat ipsa se. Est scilicet ratihabitio fortior, quæ re fit, quàm quæ verbo: & est delicti quoq; ratihabitio. *Alber. Gentil.* de jure belli, l. 1, c. 21. *Zouch* de jure fæciali, part 2. sect. 5. qu. *Utrum injuriæ à subditis illatæ, principem vel populum afficiant?*

2 *Sam.* 10, 11.

Phil. Arlanibæus Arma Succica. p. 13 37. *Zouch* de jure fæciali part 2. sect. 10. qu. *An bellum aliquando omissâ indictione movere liceat?*

Naturali jure, ubi aut vis illata arcetur, aut ab eo ipso qui deliquit pœna deposcitur, nulla requiritur denunciatio. *Grotius* de jure belli, l. 3. c. 3. sect. 6. 2.

reparations for injuries committed againſt *Us*. All that can be alledged for it out of *Grotius*, is, that 'tis a *fair and laudable courſe*, and not always practiſed by the *Romans* themſelves: For when the *Carthaginians* in *two Wars* had ſhewed themſelves an *ungenerous perfidious enemy*, ſuch as the *Dutch* are to all the world, *they did not denounce the third War againſt them*, but proceeded by *ſurpriſe* againſt that *vexatious treacherous irreconcilable people*, and uſed *them* not as *other Nations*, becauſe that *others* were not like unto *them*. And *Xenophon* in his *Romance* of *Cyrus*, thought it no ill character of his *Heroe*, that he ſhould without *denunciation* make War upon the King of *Armenia*. So did *Pyrrhus*; ſo did *Guſtavus Adolphus*. As in the *Civil Courts of Judicature*, a formal *Citation* is not *always neceſſary*; in like manner a *Prince* may ſometimes omit the *proclaiming of War* before he practiſe hoſtilities. But to evince the *entire juſtice* of that Encounter of ours with the *Smyrna* Fleet, it may be convenient for us to conſider, that *thoſe Ships meeting with our Fleet did refuſe to ſtrike their Flags and lowre their Topſails* unto the *Ships of War of his Majeſty*, contrary to the 19. Article of *Breda*: And that being refuſed, it was not only *lawful* for our Ships to *deſtroy* or *ſeiſe* them, and for his Majeſty to confiſcate them: But it was the *expreſs Commiſſion* of the Ship-Captains (and hath been ſo to *all Men of War* for above 400 years) and an inſeparable *Regality* of the King of *England*, which authoriſe, and authenticate *that action* in full: It is no new Doctrine in *England*, to ſay *no Ship* can be protected in point of *Amity*, which ſhould in any wiſe preſume *not to ſtrike ſail*: Q. *Elizabeth* gave the *ſame form of Commiſſions* and *Inſtructions* to her Admirals; and if there never happened any rancounters in her times like unto *this*, it was becauſe no Prince diſputed the thing *with her*, and the *Dutch* were then the **Diſtreſſed States**. This *Regality* of having *the Flag ſtruck to the Navy Royal*, or any part of it, is paramount to **all Treaties**, ſo far is it from being *limited* and

Honeſtè & l. udabiliter interpenitur. *Grot.* ubi ſupra.

Appian de bell. punic.

Xenophon. Cyri pæd. l. 2.

Zouch de jure fæciali part 2. ſect. 10. qu. *An bellum omiſſâ indictione movere liceat?* Arma Sucicca, pag. 55.

Alberic. Gentilis de jure belli. l. 2. c. 2.

M. S. Comment. de rebus Admiral. fol. 28. *Selden*. mare clauſum, l. 2. c. 26.

and *reſtrained* by the Treaty at *Breda*; and whatſoever *contravenes it* is not to be conſtrued *ſo* as the breach of *inferiour Articles*. The *Right of the Flag* is not demanded by *virtue of the Treaty* from the *Dutch* (though they cannot *refuſe it* without annulling *that Treaty*) but *recognized there* as a *fundamental* of the *Crown* and *dignity* of the K. of *England*. Such points are not the *ſubject of Treaties*, and no *conceſſions* were valid againſt *them*. In ſuch caſes we ſay, *plus in talibus valere quod in receſſu mentis occultatur, quam quod verborum formula concipitur*. It is therefore evident, that nothing was acted *on our ſide* contrary to the ſaid *League*, in reference to the *Smyrna* Ships: And the enſuing *War* (notwithſtanding the 23. Article) is to be imputed to the *perfidiouſneſs* of the *States General*; not that the *private act* and *obſtinacy* of the *Smyrna Ships* did make it to be ſo, but the *States General* had juſtified *Van Ghent* in the *like caſe*, and by that *ſolemn* and *notorious violation* of the Nineteenth Article of *Breda*, in *effect* declared War againſt *Us*; and we needed not to declare any thing *on our ſide*; it not being judged *neceſſary*, but a *ſuperfluous Ceremony*, for both parties to *denounce War*: And if the *one party*, as here the *Dutch*, do reſcind a *Treaty*, (Leagues are *individual* acts, and the violation of one *Article* doth annul the obligation of the *whole*) then are we, *ipſo facto*, in a *condition of War*, nor is it *requiſite* the King *declare himſelf*: They that *violate their Faith*, render themſelves incapable of *wrong*; and 'tis a *vanity* to multiply demonſtrations of what the *Dutch* had already made *publick*: In fine, the *Laws of War* inform us, that the War is ſufficiently declared, when all *applications* and *Embaſſies* become fruitleſs. And *Divines* tell us, that there are ſome caſes when a man is abſolved from the obligation of *fraternal correption* and *admonition*, viz. when the perſon offending is notoriouſly known, to be ſo *perverſe* and *obſtinate*, that all *reproofs* and *warnings* would be *fruitleſs*; for ſay they, *He that ploweth ought to plow in hope*, 1 *Cor.* 9. 10. and where there is no *hope* of any good ſucceſs by *friendly applications*, there

Domin. Bandius de inductiis l. 2.

Ab altera parte indictum eſſe ſufficit. *Grotius* de jure belli, l. 3. c. 3. ſect. 7.

Jura violanti jus redditur, ſi non præſtatur. Item neq; his bellum indicetur, qui jam pro hoſtibus habentur: ut quid enim opus indictione, per quam denunciatio hoſtilitatis, ſi hoſtes ſumus, & habemur. *Quicquid demonſtrandæ rei additur ſatis demonſtratæ fruſtra eſt.* Etiam illud dixere Fæciales, non opus eſſe *renunciare amicitiam*, cum legatis repetentibus res pluries, eæ nec eſſent redditæ, nec fuiſſet aliter ſatisfactum. *Alberic. Gentilis* de jure belli. l. 2. c. 2.

In fraterna correptione inutilis admonitio omittenda eſt, Theologorum conſenſu. *Geneſ. Sepulveda* in Apolog. pro libro de juſtis belli cauſis.

there no man is *bound in conſcience* or *prudence* to purſue them. Though this relate to *private perſons*, yet the condition is the ſame in reference to *Princes*, ſeeing, that the chief ground of Embaſſies, and ſuch like *Remonſtrances* amongſt *Chriſtian Potentates*, is **Fraternal** *Dilection*; and therefore if the *inutility* and *fruitleſneſs* of a *Negotiation*, abſolve us juſtly from it *there*, it will alſo do the ſame *here*: Wherefore, ſince his Majeſty was convinced by the *ill event* of all his *amicable applications* to the *Dutch*, and underſtood ſo well the reſolutions of the *Hague*, that they would not *ſtrike ſail*, he might juſtly omit all *ſuch formalities*, and immediately proceed to carve out his own ſatisfaction by an *advanced War*.

Concerning the right of the Flag, **it is in the firſt place to be remarked, that it is clearly intimated in the ſaid** Declaration, **that** That King **by the ſaid** Right **underſtands the** Soveraignty of the Seas; **ſince ſpeaking of the** Antiquity **of the ſaid** Right, **he adds** thereunto, **that it is an** ungrateful inſolence, **that** We **ſhould offer to contend with** Him **about the ſaid** Soveraignty: **Whereby it plainly appears, that the** Flag **and** Soveraignty of the Seas **are words of** different ſounds, **but according to the** Kings meaning **of the** ſame ſignification; **ſo that** We **may eaſily conjecture, that the** difference **betwixt the** King **of** England **and this** State **about the ſaid** *Pretended Right of the Flag* (**which is inſinuated to** that Nation **as the** moſt important Grievance **wherein the** Peoples Honour **is concerned**) **is not** at preſent **a Controverſie about** Saluting and Striking of the Flag, **and conſequently** no diſpute **in relation to the ſenſe of the** Nineteenth Article **of the Treaty at** Breda, **but** only **a Conteſt about the** Soverainty of the Sea, **which** This State **attributes to** *God Almighty alone*; *and the King of England uſurps to Himſelf*, **although perhaps** per gratiam Dei, **by which the moſt** Abſolute Princes **govern their Lands and Territories. And the Ambaſſadour** Downing **alſo concerning the** aforeſaid ſenſe **of the** Nineteenth Article, **in his** Memorial **delivered in the** Name **of the** King, **demanded of the** States **a plain and clear acknowledgement of the aforeſaid** *Pretended* Soveraignty of the Seas.

Every

Every one then can tell of our Country-men, and the impartial World may ſee, that not the refuſing to ſtrike the Flag, in purſuance of the ſaid Article (which was fully performed, as ſhall hereafter be made evident) but only a Refuſal of the ſaid acknowledgment hath been the ſubject of the King of Fngland's complaint. And it is likewiſe eaſily to be apprehended, that at preſent the ſaid Acknowledgement is demanded from the States, not by reaſon of the Juſtice of Right to the pretended affair, but only out of a plotted Deſign to war againſt Us, which deſign could not be put in Execution but by a demand of *Impoſſible Satisfaction*; for which intent the Ambaſſadour Downing propounded nothing elſe to the States than the Acknowledgement aforeſaid, left having made Propoſitions of other things, he might receive ſatisfaction for his King, who (he knew) would not be ſatisfied.

Of what impoztance the ſaid Acknowledgement ſo demanded is, is not unknown to any of the Subjects of this State, whoſe only ſubſiſtence is Commerce, and conſequently the *Liberty of the Seas*. I do believe that not one ſingle Fiſherman in our Country can be found (be he never ſo ſimple) that apprehends not his chiefeſt Intereſt to conſiſt herein, and that to force the ſaid Acknowledgement out of his throat, and thereupon to take the Effects of the ſaid *Pretended Soveraignty* to follow, is one and the ſame thing as to tye up his throat; or at leaſt there is no other Diſtinction than betwixt a ſpeedy and a tedious (yet aſſured) Death: ſince after the ſaid Acknowledgment there can at the beſt nothing elſe be expected from the King of England's Grace and Favour, than an option and choice of a ſudden period, of a lingring diſeaſe, which is worſe than a precipitated death.

And although the King of England extends not His pretended Dominion further than the Britiſh Seas, yet it is evidently known, that the Limits of the ſaid Seas are by the King ſtretched out ſo far, that not the leaſt part for a paſſage out of our Country is left, which is not in reſpect of his pretended Soveraignty ſubjected to the King attributing to his ſenſe; conſidering that not only the Chanel, but alſo

so the North Sea, and a great part of the Ocean is by the King of England accounted the *British Sea*: so that We should not be able out of our own Country to set out to Sea, but only by the Grace and Favour of the King of England, of which we should be assured far less than now we are of his Faith and Promise.

We shall not enter at present to confute the aforesaid pretences to the Soveraignty of the Sea, not only because the same would prove too prolix, but also (and that principally) by reason it cannot be judged necessary to contradict what all the World holds to be impertinent, except the King of England, who as little can adhere to reason, as with reasonable offers he will be satisfied. We shall only say, that it is false, and never can be proved, that we ever fished in the Sea with licence and permission of the King of England's Father, and that for paying Tribute, as the aforesaid Declaration expresseth.

We confess, that in the year 1636. some of the King of England's Ships of War seized upon our defenseless Herring-busses, and that by meer violence they forced a sum of money from them, which they called Tonnage-money; but we deny that from thence any Right or Title can be derived; not only because violence can create no Right (no not by continuance) but also because the aforesaid violent exaction was not continued; Complaints being made in England of the aforesaid exorbitance, the same afterwards was no more demanded.

We shall with favour of the courteous Reader, passing to the business of the Flag, so as the same in the Nineteenth Article of the Treaty at Breda is *regulated* (which Article must decide this Controversie) briefly demonstrate that nothing was committed by the Lord of Ghent in the late encounter contrary to the said Article; and moreover, that what hath been offered to the King of England, by this State, over and above the obligations of the said Articles, is of so convincing a concession, that we need not fear to refer it to the judgment of the English themselves, as promising to our selves from the said peoples discretion, that (in respect this State hath given abundant satisfaction to them in

point

point of Honour) they will ſcorn and deteſt to demand that We ſhould acknowledge the Soveraignty of the Sea (proceeding *only* from a deſire of War) to belong to Them.

It is evident, and amongſt all diſcreet perſons without Controverſie, that Saluring at Sea, either by firing of Guns, or ſtriking the Flag, or Lowring of ſome Sail, muſt not be interpreted as ſome ſign of ſubjection; but meerly for an outward teſtimony of Reſpect and *Civility*, which then with a Re-ſalute and the like Civility is requited: and forasmuch as concerns the firſt ſaluting, whereof We only here ſhall make mention, it is conceived, ſince thoſe commonly firſt ſalute, that own themſelves inferiours in Rank and Worth to thoſe they meet, although they are not under ſubjection to them, that Ships of Republicks meeting at Sea with Ships of War belonging to Crowned Heads (to which Republicks yield Superiority *in the World*) muſt give the firſt ſalute either with one or other ſign of reſpect; which reſpect notwithſtanding (as all other Acts of Civility) muſt proceed from a free willingneſs, and an unconſtrained mind, in thoſe that ſhew the ſame: yet it hath often been ſeen, that the ſtrongeſt at Sea hath forced the weakeſt to this ſubmiſſion; and that likewiſe the neceſſity and manner thereof hath been expreſſed in Articles.

Such is likewiſe concerning the ſame agreed on betwixt the King of England and this State in the ſaid Ninteenth Article, in conformity to form Articles, as well concluded with the preſent King as the Protector Cromwell, that the Ships and Veſſels of the United Provinces ſet out to Sea as well for War and defence againſt Enemies, as others, which at any time ſhould meet in the Britiſh Seas with *any* of the Ships of War of the King of Great Britain ſhall ſtrike their Flag, and lowr their Top-ſail, in the like manner as formerly hath been cuſtomary.

To apprehend the true ſenſe of that Article (as it ought to be) let the Reader be pleaſed to take notice, that the ſame proceeded originally from the Articles betwixt this State and the Protector Cromwell, concluded in the year 1654. and that at that time the ſame was not expreſſed in ſuch terms, as after a long debate of ſome words which the

Protector

Protector Cromwell would have added thereunto, thereby not only to oblige single Ships, but entire Fleets of the States to the said Salute, in case of meeting with any of the Ships of War belonging to England; which words afterwards upon the earnest instance of the Ministers of this State, were left out of the said Article; so that the aforesaid Nineteenth Article, drawn out of the tenth Article of the Peace in the year 1662. which tenth Article on the Kings side was delivered in out of the thirteenth Article of the year 1654. must not be so understood that an entire Fleet of the States, by vertue of the said Article, shall be obliged to give the said Salute to one single Ship of the English: but the said Article must be taken for a Regulation, according to which single Ships and Vessels of this State in point of saluting the Ships of England are to govern themselves.

Now to apply the said Article (according to the true sense) to the late accident of the Lord of Ghent; it is in the first place to be observed, that the King of England's Pleasure-Boat (suppose, in respect of her Equippage, it must pass for a Ship of War, which we will not dispute) not having met with any single Ships or Vessels of the States, but coming in amongst a Fleet, then riding at Anchor (undoubtedly with a wicked design to seek matter of Complaint) it with no fundamental reasons can be maintained that the Lord of Ghent, by vertue of the said Article, was obliged to strike.

Secondly, It is likewise considerable, that the aforesaid Article speaking of meeting, cannot be applied to a formed design, to cause a Quarrel by requiring in the uncivilleſt manner in the world an act of Civility and Respect.

And lastly, It is notorious that the said accident happened in the North Sea, not far from our own Coast; as likewise it is well known, that the North Sea is not the British Sea, not only because in all Sea-plats (yea in the English Map it self) it is distinguished from all other, but also and especially (which in this case is an invincible Argument) by reason the same in the seventh Article of the

Treaty

Treaty of Breda *are diſtinctly mentioned* one *from the* other, *where it is expreſly ſaid, that* All Ships and Merchandizes, which within twelve days after the Peace are taken in the Britiſh Sea, *and the North Sea,* ſhall continue in propriety to the Seizer; *out of* which *it plainly appears, that, even according to the King of* England's *ſenſe, the* North Sea *differs in reality from the* Britiſh Sea; *but* (vice verſa) *that the* North Sea *is made the* Briti Sea, *and conſequently that* diſtinct things are confounded together, *where there is a deſign to raiſe* commotions *and diſturbances in the World.*

And though their High and Mighties *might have kept to the* Nineteenth Article *of the ſaid Treaty, according to the* true original interpretation, *yet they declared to the King of Great* Britain, *that upon the foundation and* condition of a firm friendſhip, *& aſſurance of a* real and ſincere performance *thereof* (*upon the fifth Article of the* Triple Alliance, *in caſe* France *ſhould fall upon this* State) *they would willingly cauſe the* entire Fleet, *when they ſhould at any time meet with* any ſhip *or* Ships of War, *carrying his Majeſties* Standard, *to ſtrike the* Flag, *and* lowr the Top-ſail *in Teſtimony of their Reſpect and Honour, which* they *upon all occaſions will publickly ſhew to ſo* faithful a Friend, *and ſo* great a Monarch; *Provided that from* thence *no occaſion, either* now *or* hereafter *ſhould be taken, or the* leaſt inducements *given to* hinder *or* moleſt *the Inhabitants and Subjects of the* United Provinces *of the* Netherlands *in their* Free uſe of the Seas: *which Declaration the King of* England *wrongly interprets, becauſe that the* ſame *is joyned with the* true performance *of the* Triple League, *that is,* with his Honour and Word; *as alſo with the* aſſurance *that no prejudice ſhould be offered in regard of the* Free uſe of the Seas; *being an* infallible argument *that the King of* England *is as little inclined to leave us an* undiſturbed uſe of the Seas, *as* He *is to keep and* perform his word.

I have already demonſtrated the *Juſtice* and *Honour* of his Majeſties *Arms.* This Diſcourſe gives me occaſion to ma-

 niſeſt

n feſt the *Neceſſity* thereof; All that is *recited* here, was alledged by the *Dutch* Ambaſſadours to *our King*; and if it *appear* hence, that *His Majeſty could not continue his Alliance any longer with the Dutch*, unleſs He would *abandon* the *Soveraignty of the Sea*, exchange his *proper rights* into *meer Civilities* (and thoſe not to be *enforced*) and put *Himſelf* and his *Dominions* into the power of the *Dutch*: there is none then can doubt but that the *King* was *unavoidably* engaged into *this War*, by the *inſolence* and *arrogance* of the *treacherous* and *uſurping Hollanders* and that *He* did not *ſeek* or *feign pretenſions* to quarrel *with them*.

The *Nineteenth Article* of the Treaty at *Breda* doth run thus.

That the Ships *and* Veſſels *of the ſaid United Provinces, as well* Men of War *as others, meeting* any Men of War *of the ſaid King of Great* Britain's *in the* Britiſh *Seas, ſhall* ſtrike the Flag, *and lowre the Top-ſail* in ſuch manner *as the ſame hath been* formerly obſerved in any times whatſoever.

This Article was tranſcribed out of a former Treaty made betwixt *O. P.* and the *States General*: and *he* was the firſt that ever inſerted any *ſuch Article* into any *Treaty*: our *Right* and *Dominion* over the *Britiſh* Seas having never been *diſputed* before, but by an *immemorial preſcription* and *poſſeſſion* tranſmitted unto us, and ſuppoſed as *unqueſtionable* by all *Princes*: theſe *ungrateful Dutch* are the *firſt* that controverted it, diſowning it in the time of the *late Wars*, when our *Civil Diſtractions* rendred our *Prince* unable to attend unto the *Maritime Dominion*, and to curb their *growing pride*) yet was the long *Parliament* ſo concerned to preſerve the rights of this *Nation*, that *they* made an *Ordinance*, *April* 5. 1643 commanding their *Admiral* and Commanders at Sea to inforce all Perſons to pay the uſual and *due ſubmiſſions* unto the *Men of War* appertaining to *this Kingdom*. And the pretended *Republick* here did *vigorouſly*, and by a *dreadful War* aſſert the ſaid *Soveraignty of the Seas*. So that it ought to be deemed the *concurring ſentiment* of *All parties* in *England*, that *theſe ſubmiſſions by ſtriking the Flag*,

and

and lowring the top ſail, are not meer Civilities and unneceſſary Punctilioes of Honour, and vain-glory, but a fundamental point, whereon the being of the *King* and *Kingdom* is in great part ſuſpended: and it hath been ſo *ſtudiouſly* inſiſted on by our Princes, that for above *Four hundred years* it hath been a Clauſe in the *Inſtructions* of the *Admiral* and the Commanders under *him*, that in caſe *they* met any Ships, whatſoever *upon the Britiſh Seas*, that refuſed to ſtrike Sail at the Command of the Kings Admiral, or his *Lieutenants*, that then they ſhould repute them as *Enemies* (without expecting a *declared War*) and deſtroy them and their Ships, or otherwiſe ſeize and confiſcate *their Ships and goods*. And theſe Inſtructions have been retained in uſe, as well ſince the Treaty of *Breda*, as before *it*. The like *Inſtructions* are given by the *Venetians* to their *Captains* in reference to the *Adriatick* Sea; and by ſeveral other *Princes*.

M.S. Commentar. de rebus *Admiral* fol. 28. *Selden* mare clauſum lib. 2. c. 26.

It is manifeſt and agreed upon by the *Conſiderer*, that *this Article* muſt decide the preſent *Controverſie*, and 'tis no leſs evident that *this Article* doth decide it to *their prejudice*, and that they are *inexcuſable* as to the breach thereof. I will not ſtretch the words of the *Article* ſo far, as to infer, that *they ought to ſtrike Flag in acknowledgment of the Soveraignty of the Sea*, ſince otherwiſe they do not *ſtrike it in ſuch manner as the ſame hath been formerly obſerved in any times whatſoever*, though the words oblige them not only to the *thing*, but circumſtantiate the *manner* of it. Let their *ſentiments* be *free*; but yet let us ſee *how they comply with the Article*, as to matter of *Fact*; They ſay that *O. Cromwel* would needs after a long debate have *thoſe words* put in, whereas the *Article* was *otherwiſe penned at firſt*. But this allegation is *impertinent*; ſince we *now* enquire not into *What was at firſt debated*, not inſiſt upon the *firſt draught of the Treaty*, but *what* was at laſt *ratified* and *confirmed on both ſides*: For 'tis *thence* ariſeth the *Obligation*. Secondly, they ſay, that *by the earneſt inſtance of their Miniſters*, *O. Cromwel* was ſo far prevailed upon, as to relax that *Article*, and *leave out the ſaid words: and therefore the Article muſt not be ſo underſtood, as if an* entire Fleet *of the*

States by virtue thereof ſhould be obliged to give the ſaid ſalute to one ſingle Ship of the Engliſh; but the ſaid Article muſt be taken for a Regulation, *according to which, the ſingle Ships and Veſſels of their State, in point of* ſaluting this Ship of England, *are to govern themſelves.* To this I reply, that *it is not credible, nor believed here by any that were privy to the tranſactions of O. Cromwel, that ever he conſented to any ſuch alteration in the ſaid Article:* There is no *proof* of any ſuch thing *alledged,* and 'tis *notoriouſly kown* to all our *Admiralty,* that he never did vary *his inſtructions* and *Commiſſions* in the Navy, but enjoyned *them,* as before, to enforce *all ſhips* to ſtrike, without regarding whether they were *entire Fleets,* or *ſingle Ships:* And I think *this* to be a *demonſtration* of the *falſhood* of the *Dutch* in *this ſuggeſtion.* Laſtly, I find the *Articles of peace* publiſhed at *Amſterdam* in 1655. in *Latine,* where is not any ſuch thing to be ſeen, as is *here inſinuated.*

Artic. 13.

Adolphus Brachelius hiſtor. noſtri. tempor. Amſtreda. an 1655.

13. *Item quod Naves & Navigia dictarum fœderatarum provinciarum, tam bellica & ad hoſtium vim propulſandam inſtructa, quàm alia, quæ alicui è navibus bellicis hujus Reipublicæ in maribus Britannicis obviam dederint, vexillum ſuum è mali vertice detrahent, & ſupremum velum demittent, eo modo, quo ullis retrò temporibus, ſub quocunq; anteriori regimine, unquam obſervatum fuit.*

This is ſufficient to diſprove this *impudent forgery* of the Conſiderer; but had any ſuch thing intervened betwixt the *State* and *O. P.* if it do not *appear,* that *His Majeſty* did make the *like accord,* how comes it to paſs, that the *expreſſions of his Majeſty* muſt be conſtrued by the *ſenſe* of *Cromwel?* If this *Notion* of exempting *Fleets* from ſaluting any *ſingle Man of War,* were never *thought* upon, nor *mentioned,* much leſs *debated* and *decided* at the Treaty of *Breda,* doth not common *Equity* and *Reaſon* oblige the *Dutch* to acquieſce in the

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plain ſenſe of the *words*, and not to *diſtort* or *pervert* them by far fetch'd *interpretations* and *evaſions*? It is *uſual* in the *laſt Articles* of *Treaties*, or in the *Ratification*, for *Princes* to expreſs that that *they* do *ſign*, *conſent*, and *ratifie* the Agreement in its *true*, *proper*, and *moſt genuine ſenſe*: or, *ſincerely*, and *bonâ fide*: and where it is *not ſo declared*, yet it is underſtood in *all Contracts*, but more eſpecially in the *Contracts* of *Soveraign Princes*, and *Charles* V. and *Lewis* of *France* are blamed for making uſe of thoſe little *ſhifts* and *eluſions* of Treaties, which better become a *Pettifogger*, than a *King*. This is the *common Tenet* of the *Civil Lawyers*, and conſonant to the *Law of Nations*. It is true there lies a ready *Evaſion*; for *All this* is averred concerning *Princes* and *their Contracts*; but the *Dutchmen* have nothing that is *Royal* amongſt *them*, their *High* and *Mighties* are not *Princes*, and they have *different jura Majeſtatis*, as they have *different ends* from the *generous* and *ſincere* part of *mankind*. After an *impertinent* Harangue concerning *God*, *Piety*, *Proteſtancy*, they are abſolved from *giving honour to them unto whom honour is due*, *Reverence to whom reverence*; or *right to whom right*: They can plauſibly *recede from*, and evert an *Article* that is prejudicial to their *Intereſt* and inſatiable *Ambition*, and impudently exempt *Fleets* from amongſt the number of *Ships*. Such men preſume ſtrangely upon *their power*, or the *ſtupidity* of the world, that *impoſe* thereon ſuch *Gloſſes* as *theſe*. There was no *ſuch* word mentioned, no *ſuch* interpretation propoſed at *Breda*, much leſs *aſſented unto*. The common *uſage* of that *Naval term* admits not thereof, and the *immemorial practice at Sea* to the *contrary* doth ſufficiently refute *this ſentiment*.

In the 35th. Article at *Breda*, it was agreed that both parties ſhould *truly* and *firmly obſerve the League*. And Article 36. that the confederacy ſhould be *duly*, and *bonâ fide*, obſerved.

Principium contractus omnes ſunt bona fidei-----fides exuberantior requiritur in contractibus principum, ut ipſe ait *Baldus*----Non ſtrictum hic jus, aut juris rigorem ſectabimur: ſub quo plerumque erratur perniciosé. Non admittemus diſputationes ſubtiliores, deque apicibus juris: quæ æqui & boni ratione prætermiſſâ, res examinare ad vivum ſolent. Quales iſti eſſe debent contrahentes, *tales* ſint: quoniam & *tales creduntur*. Et itaque fraudes omnes abſint, & exceptiones omnes ſubtilis juris ceſſent, tantumque dicatur quod *principem* deceat. *Albericus Gentil.* (ex communi ſententiâ J.C.) de jure bellí l. 3. c. 14 & ib lib. 2. c. 4. *Zouch.* de jure fæciali part. 2. ſect. 4. *Grotius* de jure belli, l. 2. c. 16. ſect. 20.

ment. The *Ambaſſadours* had no *power delegated* them to part with ſuch a *Regality*; and perhaps it may be ſaid, that the *King* himſelf hath no *ſuch Authority* as can deveſt the *Crown* thereof. However, if any ſuch thing had been done, had *ſuch* a ſenſe been admitted of, or intended by the *Dutch*, Why did not *They* urge it *ſooner*, and demand that the *Inſtructions* to our *Admiral* and the *Commanders at Sea* ſhould be changed from *what they have been during the ſpace of above four hundred years*? Their *High* and *Mighties* have very much prejudiced *themſelves* in the opinion of all *prudent* men by ſo *long a ſilence*; and in the judgment of all *honeſt* perſons, by *remonſtrating thus* now, ſince thereby they declare that to be the *right ſenſe of the Article*, which is indeed *Non ſenſe*, and that to be *Juſtice* which is, as *notorious* an *Uſurpation* as any *Chronicles* inform us of.

Summo conſenſu prudentium traditur, iſtiusmodi jura, quæ Coronæ annexa ſunt, ita ut ab ea divelli ne quidem per ipſum Principem queant, nec lapſu temporum, nec ulla conventione poſſe præſcribi, aut uſucapi, quin quandoque ad priſtinum ſtatum revocari poſsint. Nec ſucceſſores ex tali contractu obligantur. *Iannius* apud *D. Baudium* de induc. Belgic. l. 3.

But leſt *this ſenſe* of the *Article* ſhould not be admitted of, *They* ſay further in defence of themſelves, that ſince in the *judgment* of the King of *Great Britain*, the *ſtriking of the Flag*, and the *acknowledging of the Soveraignty of the Sea* are equipollent thangs, and that by the *one* His Majeſty underſtands the *other*, they cannot conſent to the *ſtriking of the Flag*, leſt it ſhould be conſtrued to a yielding him a *Soveraignty* and *Dominion over the Sea*: which is too much for theſe *High* and *Mighty* Zealots, and ſuch *Proteſtants* that, abominating all *Image worſhip*, cannot endure any *Monarchs*, becauſe they are (as I may ſay) *viſible Deities* and *Mortal repreſentations* of that *one God*, who providentially rules the *Univerſe*; nor can they tolerate their *uſurpations* upon the *Rights of God Almighty*, who is alone *Soveraign of the Sea.*

If I were not in haſte, I would animadvert upon that paſſage of the *Conſiderer*, whereby he intimates, that *all abſolute Princes are Uſurpers, Governing their Lands and Territories*, per Gratiam Dei, *by which the* King *of* England

land *uſurps the Dominion of the Sea*: In another place, he intimates as *if all Princes were Tyrants*, and *all Monarchy Tyranny*: In a third, he detracts from *Monarchy* alledging that *Monarchs* are generally ſwayed by their *wills* and *luſts*, and that *the moſt efficacious reaſonings of Princes and Monarchs are their Arms*: Such *inſinuations* as *theſe* ought to exaſperate all *Princes* againſt *them*; and indeed this other controverſie about the *Dominion of the Sea* extends not only to the *King* of *England*, but to the Kings of *France*, *Spain*, *Portugal*, *Sweden*, *Denmark*, &c. to the *Republicks* of *Venice*, *Genoa*, &c. All which are no leſs *notorious Uſurpers* than his Majeſty of *Great Brittain*: and if the King of *England* be an *Uſurper upon the Rights of God*, by exerciſing *a Soveraignty over the Britiſh Seas*, the *Dutch* have contributed very much to ſuch *Uſurpation*, by permitting him to continue it *ſo long*: When they were the *Diſtreſſed States*, and tendred the *Soveraignty* of their Provinces to Queen *Elizabeth*, their *Embaſſadors* urged this unto *Her* as one inducement, that *Thereby She might enſure Her ſelf of the Dominion of the Great Ocean*: From whence any *Engliſhman* may collect, *How much it importeth* Us, *that theſe Hollanders be rather* Diſtreſſed, *than* High *and* Mighty.

Illud unum inter alia *precipuè* perpendendum, fœdus Hollandiæ Zelandiæ, Friſiæ, Oſtendæ, & Sluſæ, cum ſuæ Majeſtatis regnis unitum proculdubio *planum magni maris dominium*, & perpetuam certamque ſuæ Majeſtatis ſubditis ſalutem atque proſperitatem eſſe allaturum,. *A. E. Meteran* hiſt. Belg. ad an 1585.

Concerning the *Dominion of the Sea*, that we may the better underſtand the *Controverſie*, and the *juſtice of his Majeſties demands*, 'tis requiſite that we diſtinguiſh upon the word *Dominion*, which is equivocal. *Dominion* imports one thing in reſpect to *Juriſdiction* and *Protection*, which the Doctors of the *Civil Law* call *Soveraignty* or *Univerſal Dominion*, ſuch is that of a *Prince* over the *perſons* and eſtates of his Subjects: And another thing in reference to *Propriety*, which they term *particular Dominion*, whereby any *private* perſon is inveſted in his *Goods* and *Eſtate*. Thus the King of *England* hath an *univerſal*

Dominion

Dominion over the *Britiſh* Seas, whilſt yet *his Subjects* retain their *proprieties* in their *ſeveral Fiſheries*

Joan. Palatius de dominio Maris, l. 1. c. 11.

The effects of this *Dominion Univerſal*, or *Soveraignty* which acrue to a *Prince*, are theſe.

1. Not only the *Regality* of the fiſhing for *Pearl. Coral, Amber. &c.* but the *direction* and diſpoſal of all *other Fiſh*, according as they ſhall ſeem to deſerve the regards of the *publick* : as in *Spain, Portugal, & c.* is uſed.

2. The preſcribing of *Laws* and *Rules* for *Navigation*, not only to his own Subjects, but unto others *Strangers*, whether they be Princes of *equal ſtrength* and *dignity* with himſelf, or any way *inferiour*. Thus the *Romans* did confine the *Carthaginians* to equippe out no Fleets ; and forbade *Antiochus* to build any more than *twelve Ships of War*. The *Athenians* prohibited all *Median* Ships of War to come within *their Seas*, and preſcribed to the *Lacedemonians* with *what manner of Veſſels* they ſhould ſail. All Hiſtories are full of *ſuch Preſidents*, which *Princes* have enacted either upon *agreements* enforced upon the conquered, or *Capitulations* betwixt them and others (their equals or inferiours) for *mutual conveniences*.

Grotius de jure belli. l. 2. c 3. ſect. 15.

Joan. Palatius ubi ſupra. Julius Pacius de dominio Maris Adriatici.

3 The power of impoſing *Cuſtomes, Gabels*, and *Taxes*, upon thoſe that navigate in *their Seas*, or otherwiſe *Fiſh* therein: which they do upon ſeveral rightful claims: As *protecting* them from *Pyrats*, and all other *Hoſtilities*, or aſſiſting them with *Lights* and *Sea-marks*: For which advantages, *common equity* obligeth thoſe that reap benefit *thereby*, to repay it by *ſome acknowledgment*, which ought to be proportioned to the *favour received*, and the expenſe which the *Prince* is at to continue it unto *them*.

4. As it is incumbent on a Prince, duly to execute juſtice in his Kingdoms *by land*, ſo the Sea being *His Territory*, it is requiſite and a neceſſary effect of *his Dominion*, that He cauſe juſtice to be adminiſtred in caſe of *maritime delinquencies*.

5 That

5. That in caſe any Ships Navigate in *thoſe Seas*, they ſhall *Salute his floating Caſtles*, the Ships of War, by *loring the Top ſail, ſtriking the Flag* (thoſe are the moſt uſual courſes) in like manner as they do *His Forts* upon Land. By which ſort of *Submiſſion* they are put in remembrance, that they come into a *Territory* wherein they are to own a *Soveraign Power* and *Jurisdiction*, and receive *Protection* from it.

Theſe are the *proper* effects of a *real* and *abſolute Soveretgnty* over the *Seas*; which how they are poſſeſſed by the *Venetians* this following account will ſhew.

The Gulf *of* Venice *is nothing elſe but a large* Bay, *or* inlet *of the* Sea, *which entring in betwixt two Lands, and ſevering them for many miles continuance, in the end receives a ſtop, or interruption of further paſſage, by an oppoſite Shore, which joyns both the ſaid oppoſite Shores together. It is called the Gulf of* Venice *from the City of* Venice, *ſcituated upon certain* broken Iſlands *near unto the bottom* thereof. *It is alſo called the* Adriatick Sea, *from the ancient City* Adria, *lying not far diſtant from the* former. *From the entrance thereof unto the* bottom *it conteins about* 600 *Italian miles*: *where it is* broadeſt, *it is* 160 *miles over*; *in others but* 80. *in the moſt*, 100. *The South Weſt ſhore is bounded with the Provinces of* Puglia *and* Abruzzo *in the Kingdome of* Naples; *the Marquiſate of* Ancona *and* Romagnia *in the Pope's State*; *and the Marquiſate* Treviſana *in the* Venetian *ſtate. The North part of it, or* bottom, *hath* Friuli *for its bounds*; *the North Eaſt is limited by* Iſtria, Dalmatia, Albania, *and* Epirus: *whereof* Iſtria *doth not ſo intirely belong to the* Venetians, *but that the Emperour, as Arch Duke of* Gratz, *doth poſſeſs divers maritime Towns therein. In* Dalmatia *ſaving* Zara, Spalato, *and* Cattaro, *they have nothing of inportance, the reſt belonging to* Raguſa *and the* Turks; *In* Albania *and* Epirus, *they poſſeſs nothing at all; it being entirely the* Turks. *So that he who ſhall examine the circuit of this Sea, which muſt contain above* 1200 *miles, ſhall find the ſhores of the* Venetian *Signiory not to take up* 200 *of them, omitting ſome ſcatter'd Towns and diſperſed Iſlands, lying on the Turkiſh ſide of*

the Adriatick ſhore. For the ſecuring hereof from the depredation of Pirates, and the pretences of divers potent Princes, as the Pope, Emperour, King of Spain, and the great Turk, who have each of them large territores lying thereupon; alſo to cauſe all ſhips which navigate the ſame, to go to Venice, and there to pay Cuſtome and other duties, the Republick maintains continually in action a great number of Ships, Gallies and Galliots, whereto alſo they adde more, as there may be occaſion; whereof ſome lye about the bottom of the Gulf in Iſtria, others about Iſlands of Dalmatia, to clear thoſe parts of Pirates, who have much infeſted thoſe Seas: others, and thoſe of moſt force, have their ſtations in the Iſland of Corfu and Standia: in the firſt of which commonly reſides the Captain of the Gulf, whoſe Office it is to ſecure the Navigation of the Gulf, not only from the Corſaires, but to provide that neither the Gallies nor ſhips of the Pope, the King of Spain, nor great Turk, do ſo much as enter the ſame, without permiſſion of the Signory, and upon ſuch conditions as beſt pleaſeth them; which they are ſo careful to effect, that in the Year 1638. the Turkiſh Fleet entring the Gulf without licenſe, was aſſailed by the Venetian General, who ſunk divers of their Veſſels, and compelling the reſt to fly unto Valona, he held them there beſieged, although the ſame City and Port whereon it ſtands, be under the jurisdiction of the Grand Signior. And notwithſtanding that a great and dangerous war was likely to enſue thereupon, betwixt the Grand Signior and the Republick, becauſe the Venetian General, being not content to have chaſed them into their own Ports, did, moreover then that, ſink their Veſſels, and landing his men, ſlew divers of their Mariners who had eſcaped his fury at Sea: yet after that, a very honourable Peace was concluded again betwixt them, wherein, amongſt other things, it was agreed, that it ſhould be lawful for the Venetians, as often as any Turkiſh Veſſels did, without their Licenſe, enter the Gulf, to ſeize upon them by force, if they would not otherwiſe obey: And that it ſhould likewiſe be lawful for them ſo to do, within any Haven, or under any Fort of the Grand Signiors, bordering on any part of the Venetian Gulf. —— In the Year 1630.

Mary

Mary ſiſter to the King of *Spain*, being eſpouſed to the Emperours Son *Ferdinand* King of *Hungary*, the *Spaniards* deſigned to tranſport her from *Naples* in a Fleet of their own. The *Venetians* ſuſpected that they had an intention hereby to intrench upon, and privily to undermine, by this ſpecious preſident, *that Dominion of the Sea* which the Signory had continued inviolate time *out of mind* and that they took *this opportunity* when *Venice* was involved with a War abroad, and infeſted with the Plague at home, and therefore not in a condition to oppoſe their progreſs. The *Spaniſh* Embaſſadour acquainted the *State*, that *His Maſters Fleet was to Convoy the Queen of Hungary*, being *his Siſter*, from *Naples* to *Trieſti*: The Duke replyed, That her Mjeſty ſhould not paſs, but in the *Gallies of the Republick*: The *Spaniard* repined thereat, pretending that *they were infected with the Plague.* The *Senate* being conſulted, came to this reſolution, *That the Siſter of his Catholick Majeſty ſhould not be tranſported to Trieſti* any other way, then by *imbarking on the Venetian Gallies, according to the uſual manner of the Gulf; and that, if the Embaſſadour would acquieſce herein, Her Majeſty ſhould be attended, and uſed with all that reſpect and deference which became her quality. But if ſhe proceeded in any other way, the Republick would by force aſſert her proper rights,* and attacque the *Spaniſh Navy as if they were declared enemies, & in hoſtile manner invaded them.* Whereupon the *Spaniard* was compelled to deſire of *them* the favour to *tranſport the Queen in their Gallies,* which *Antonio Piſani* did perform with much ſtate and Ceremony: and the courteſie was acknowledged by ſolemn thanks from the Court of the *Emperour*, and of *Spain.*

Joannes Palatius doth furniſh me with many *more caſes* wherein the *Venetians* have practiſed *immemorially*, and Forreign *Princes* approved of their *Soveraignty* of the *Adriatick* Sea; and had our *Nation* been hitherto as *prudent* in the perpetual vindication of *their Rights*, as that *Republick*, His Majeſty had not been put to *this*

Joan. Palatius de dominio maris lib. 2, c. 6.

trouble, nor his *Subjects* endangered, as they are, by this War with *Holland*. Howſoever, 'tis manifeſt that they did alwaies *immemorially* challenge the *Dominion of the Britiſh Seas*, and have never abandoned that *Regality*, but ſo as to preſerve their *Right* unto it by the exerci ng of *ſeveral Acts* that reſult from the *entire D minion of the ſaid Seas*.

1. As to that *Univerſal Dominion* which is inferred from the *Protection of the Seas*. It is evident that our *Admirals* by their *Commiſſions* have ever been encharged with the *Guardianſhip* and *Protection of the ſaid Seas*; and they were ſtyl'd of Old *Guardians of the Seas*: the denomination of *Admiral* is more *modern*. But with the *Name*, their *Power* and *Inſtructions* were not varyed, they being ſtill deſigned *pro ſalva cuſtodia & defenſione Maris*: And their was a particular *Tax* raiſed on every *Hyde* of land in this Kingdome, called *Danegeld*, at firſt exacted by the *Danes* in lieu of *their Protection of the ſaid Seas*, and continued after *their ejectment*, by our *Engliſh* Kings *before* and *ſince* the Conqueſt unto the Reign of K. *Stephen* and *Henry* II, for the *Guardianſhip of the Seas*: and after that the *Danegeld* was aboliſh'd, ſeveral *Lands* were charged particularly *for the defence of the Seas*: and *Subſidies* have been demanded of the people to the *ſame purpoſe*

Selden, mare clauſum, l. 2. c. 14.

Id. ibid. c. 11. & 15.

2. As to that *Dominion of the Sea* which is exemplyfied by *Acts of Juri diction*, it is manifeſt that the *Engliſh* have been *immemorially* poſſeſſed thereof. Thus *Edward* the Firſt made *Laws*, for the retaining and conſerving of the *antient Superiority of the Sea of England*, and for the maintaining of Peace and Juſtice amongſt all peopl, *what Nation ſoever*, paſſing thorough the Sea of *England*; and o take *cognizance* of all attemps to the contrary in the *ſame*, and to *puniſh Offenders*, &c. In the like manner did *his Royal Predeceſſors*. And the ſo famed Laws of *Oleron* (an Iſland ſeated in *Aquitaine*, at the mouth of the River *Charente*) were publiſhed in *that Iſle* by King *Richard* the Firſt, as ſole *Ruler*, and moderator of Sea affairs; which hold in force to this day, and

Id. ibid. c. 24.

and are the *Laws of our Admiralty*. And *this Dominion* is further elucidated from hence; that *Our Kings* (as appears by the Parlimentary Records of King *Richard* the Second) impoſed a *Tribute*, or *Cuſtome* upon every Ship that paſſed thorough the *Northern Admiralty*, which ſtretched it ſelf from the *Thames* mouth along the Eaſtern ſhore of *England* towards the North-East, for the pay and maintenance of the *Guard* or *Protection* of the Sea. Nor was it impoſed only upon the Ships of ſuch Merchants and Fiſhermen as were *Engliſh*, but upon *any Forreigners whatſoever*: no otherwiſe than a man that is *Owner of a Field*, ſh ould impoſe a *yearly revenue* or *rent* for the Liberty of *Thorowfare*, or driving of *Cattel*, or *Cart*, thorough his Field: And if any were unwilling to pay the ſaid Tribute, it was lawful to *compel* them; there being certain Officers that had authority to exact it, having the command of ſix Ships, men of War. The Original record is penned in the *Norman* language (as were almoſt all Records of Parliament in that age, and is thus *Engliſhed*.

Selden. mare clauſum l. 2. c. 15.

This is the Ordinance and Grant by the advice of the Merchants of London, *and other Merchants towards the North, by the aſſent of all the Commons in Parliament, before the Earl of* Northumberland, *and the Mayor of* London, *for the Guard and tuition of the Sea, and the Coaſts of the Admiralty of the North, with two Ships, two Barges, and two Ballingers, armed and fitted for War, at theſe rates following.*

Rot. Parl. 2. Rich. 2. part. 2. Art. 38. in Schedulâ.

Firſt, *To take of* every Ship *and* Bark, *of what burthen ſoever it be, which paſſeth* thorough the Sea of the ſaid Admiralty, *going and returning, for the Voyage, upon every Tun* 6 d. *except Ships laden with Wines, and Ships laden with Merchandiſes in* Flanders, *which are fraighted for and diſcharged at* London; *and Ships laden with Wools and Skins at* London, *or elſewhere within the ſaid Admiralty, which ſhall be diſcharged at* Calais: *which Ships the Guardians of the ſaid Sea ſhall not be bound to Convoy without allowance.*

Item,

Item, *To take of every Fiſher-boat that fiſheth upon the Sea of the ſaid Admiralty for Herrings, of what burthen ſoever it be, for each week, of every Tun* d.

Item, *To take of other Ships and Fiſher-boats, that fiſh for other kind of Fiſh* upon the Sea, *within the ſaid Admiralty, of what burthen ſoever they be, for three weeks, of every Tun* 6 d

Item *To take of all other Ships and Veſſels paſſing by Sea, within the ſaid Admiralty, laden with Coals from* New-Caſtle *upon* Tine, *of what burthen ſoever they be, for a Quarter of a year, of every Tun* 6 d.

Item, *To take of all other Ships, Barks, and Veſſels, paſſing by Sea, within the ſaid Admiralty, laden with goods of* any Merchants whatſoever *for* Pruſſia, *or for* Scone, *or for any other place in thoſe parts beyond the Sea; for the Voyage, going and returning, every Laſt* 6 d.

The impoſition here laid upon *all Fiſhers* that took *Herrings*, or *other Fiſh*, upon the *Sea* within the *Northern Admiralty*, ſheweth the Antiquity of the *right* his Majeſty hath unto that *Regality* within the *Britiſh Seas*: but the benefits accruing to the *Crown* from *this ſpeciality* of the *Maritime Dominion*, were not alwaies raiſed in *one* and the *ſame manner*. In the *Ordinance* aforeſaid the *Fiſhermen* purchaſe their *Liberty* of Fiſhing, by a ſum of money to be paid *weekly*. At other times I read that the *Hollanders* and *Zealanders*, every year did repair to *Scarborough* Caſtle, and there, by *antient cuſtome*, obtained *leave to Fiſh*, which the *Engliſh* have ever granted *them*, reſerving alwayes the *Honour* and *Priviledge* to themſelves. Amongſt the Records of the time of *Edward* the Firſt, there is an Inſcription, *Pro hominibus Hollandiæ, &c.* For the men of *Holland*, and *Zealand*, and *Frieſland*, to have leave to Fiſh near *Jernemuth*; and that King's Letter for *their Protection* is extant. And if we do not continually read of *ſpecial Licenſes* granted to *Forraigners* in reference to the *Fiſhery*; the reaſon is, becauſe by the Leagues that were made with the Neighbouring Princes, a *Licenſe* or *Freedome* of that kind (as alſo of *Ports*,

Selden mare clauſ. l. 2. c. 21.

Rot. Patent. 23. *Ed.* 1. *membr.* 5.

Ports, Shores, Paſſages, and other things) was ſo often allowed by both Parties, that as long as the League was in force, the *Sea* ſerved as if it were a common-Field, as well for the *Forreigner* that was in *Amity*, as for the King of *England* himſelf, who was *Lord* and *Owner*. But yet in this kind of Leagues ſomtimes the Fiſhing was reſtrain'd to *certain limits*; and the limits *related* both as to *place* and *time*: ſo that, *according to agreement*, the Forreigner *in Amity* might not Fiſh beyond *theſe limits*; the King of *England* retaining *abſolute Dominion* over the whole *adjoyning Sea*. Thus by an *Agreement* betwixt *France* and *England*, the *French* are excluded from that part of the *Sea* which lies towards the *Weſt* and *South-weſt*, and alſo from that which lies *North-eaſt* of them; but permitted freely to Fiſh throughout that part of the Sea, which is bounded on *this ſide* by the Ports of *Scarbrough* and *Southampton*, and on the *other ſide* by the Coaſt of *Flanders*, and the mouth of the River *Seine*: and the time is limited, betwixt *Autumn*, and the Calends of *January* following. But in the *League of mutual Commerce* betwixt *Henry* the Seventh, and *Philip* Duke of *Burgundy*, &c. Earl of *Holland* and *Zealand*, A. D. 1459. Chap. 14. It was agreed that the *Fiſhermen of each parts of what condition ſoever they be, ſhall Sail and paſs freely every where, and Fiſh ſecurely without any impediment, Licenſe, or ſafe conduct.* From the which *League* it is a *genuine inference*, that His Majeſty hath the *Dominion of the Seas* as to *Fiſhing*, and that the *liberty* thereof is not to be obtained but by *Licenſe* or *Compact*, whererein the *general emolument* ariſing from the *League* ſupplyeth the advantage that would otherwiſe accrew from *particular Licences* It being thus evinced that the *Soveraignty* of the *Engliſh Seas*, as to the *Fiſhing*, doth appertain unto *His Majeſty*. I proceed to *Scotland*, where I find the *ſame power* inveſted in the *Crown* thereof ſo that the Right of his *Majeſty* unto the *Fiſhing* there is as unqueſtionable as His *Succeſſion* to the Kingdom. I have not read in the *Scotch Laws*, that ever there were *Licenſes* given to any for *Fiſhing*; but every *Fiſher*, as well *Forreigner*,

Selden, mare claus. l. 2. c. 25. ex *Rot. Francia.* 5. *Hen.* 4. 29. *Septemb.*

Jo. *Iſaac Pontanus* diſcuſſ. Hiſtor. l. 1. c. 14.

Forreigners as *Native*, was to pay an *Aſſize-Herring* unto the *King*, and this *Aſſize-Herring* is an unalterable *Regality* of *that King*.

Jacobi 6. p. 15. c. 237.

It is Statute and Ordained that all infeſtments and alienations in Few-firme, or otherwies, and all rentalls, aſſedations and diſpoſitions quhatſumever, in all time bygane, and to cum, of the Aſſize Herring, is null and of nane availe: Becauſe the ſaid Aſſize-Herring perteinis to our Sovereigne Lorde, as a part of his cuſtomes, and annexed property.

Concerning the Nature and Antiquity of the *Aſſize-Herring*, I find this moſt *authentick account* given by Mr. *John Skene* Clerk of the King's *Regiſter*, *Council* and *Rolls*, in a treatiſe *de verborum ſignificatione*, annexed to the *Laws of Scotland*, and Printed at *Edingburg*, A.D.1597. *Cum privilegio regali.*

Aſſiſa Halecum, the *Aſſize-Herring* ſignifies *ane certain meaſure and quantity of Herring, quilk perteinis to the King as ane part of his cuſtomes and annexed propriety.* Jac. 6. p. 15. c. 237. *for it is manifeſt that He ſhould have every Boat that paſſis to the drave; and Slayis herring, ane thouſand Herring of ilk tak that halds*, viz. *of Lambmes tak, of the Winter tak, and the Lentrone tak.*

What *Dues* and *Cuſtomes* the Kings of *Scotland* had upon *other Fiſh*, I know not, but that He did exact *ſome*, and exerciſed the *Dominion of the Sea* in reference to the Fiſhing *there*, is apparent by *theſe Laws*, ordaining *That all manner of Fiſheres, that occupies the Sea, and utheres perſons quhatſumever that happenis to ſlay, Herring or Quhite fiſh upon the Coaſt, or within the Iſles, or out with the Samen within the Frithes bring them to free Ports*, &c. *where they may be ſold to the Inhabitants of the ſame kingdome, quhuirby his Majeſties cuſtomes be not defrauded, and his Hieneſſe Lieges not fruſtrate of the commodity appointed to them by God under the pain of confiſcation, and tynſell of the Weſchelles of them that cumes in the contrair thereof.*

Selden l. 2. c. 31. ex Parliam. 4. Iac. R. 6. c. 60. & Parl. 6. ejuſdem c. 16.

and

and eſcheating of all their movable guddes to our Soveraigne Lords uſe. —— In this condition were the Rights of the *Fishing* until the *Dutch* did advance themſelves to that height and puiſſance, that they eſteemed themſelves able to infringe them, and ſuch was their *Covetouſneſs*, (which prompts them that are infected therewith to value the *ſmalleſt* and moſt *unjuſt* Gains) that they determined to do it.

In the year 1594. *James* VI. King of *Scotland*, apprehending the growth of theſe *Netherlanders*, and their influence upon the *Engliſh* Nation by reaſon of the multitudes of our *Nobility* and *Gentry* which reſorted thither into the *Armies*, and being deſirous to fortifie by all poſſible means His *right* of *ſucceſſion* to the Crown of *England*, invited the *States* to be *God-fathers* to His Son Prince *Henry*, together with the Kings of *France* and *Denmark*, and Queen *Elizabeth*: they ſent a ſplendid Embaſſy *Walravius van Brederode* being principal, and ſo richly preſented the *Royal Infant*, that they much endeared themſelves to King *James*, and no leſs exaſperated Queen *Elizabeth*, in that *they* would *dare to rival Her* at the Baptiſme of the *Prince*, and alſo demean themſelves with ſo much *munificence*, or rather *prodigality*. King *James*, either out of *intereſt* to aſcertain himſelf of *their Friendſhip*, or being captivated by their *Preſents* and *Flatteries*, granted (but not by any Deed, that I know) unto the *Dutch* the *Priviledges* which had been formerly granted to the *Belgick Provinces*, upon Leagues betwixt the Houſe of *Burgundy* and *England*, in reference to the *Fiſhing*: whereby, according to Articles made with *Philip* of *Burgundy*, and with *Charles* V. *they* were to Fiſh in the *Britiſh Seas* without any *impediment*, or the ſuing for a *ſpecial Licenſe*. It was by virtue of the ſame *Treaties* and *Confederaces* with the Houſe of *Burgundy*, that Queen *Elizabeth* did permit them the *Fiſhing* of our *Engliſh Seas*: for that *Queen* did always pretend and declare, that by reaſon of *ſundry Alliances* betwixt *England* and the Houſe of *Burgundy*, She did aid and ſupport the *Netherlands*. At firſt the *Dutch*, either out of

Grotius hiſt Belgic. l.

A. E. Meteran. hiſt. Belgic. ad an. 1585. *Cambden* ad an. 1585.

of *pure reſpect* (a *rare quality* in that ſort of *People*) or becauſe *their Buſſes* were not ſo very *numerous* as in the ſubſequent times, did Fiſh at a *good diſtance* from the Land; and, leaving *convenient ſpace* for the Natives of *Scotland* to purſue their *ſmall employment* in the *Fiſhery*, there was no *notice*, or at leaſt no complaints againſt them upon *that ſubject*; But when a *ſeries* of proſperous ſucceſſes (gain'd by the *Engliſh* and *Scotch* valour) had raiſed the *Dutch* to a great *power* at home, and *renown* abroad, and that their *Ships* became exceeding *numerous*, and their *Fleets* potent; and Queen *Elizabeths* death had advanced a more *peaceable Prince* to the *Engliſh* Crown, They began to encroach upon the *Engliſh* and *Scottiſh* ſhores, to diſturb the Natives in *their Fiſhing*, not leaving them ſo much *Sea-room* upon their *Princes Coaſt* as to take *any Fiſh*, but ſuch as were the *gleanings* of the *Hollanders* Buſſes; who *driving at Sea*, do break the *skull* or *ſhole of Herrings*, and then they fly near the *ſhore*, and through the *ſounds*. I find King *James* to have complained againſt *their inſolence*, and *the encroachments* of the *Dutch Fiſhermen* upon *His Seas*, and to the prejudice of *His Subjects*: But that the *Prince* dealt moſt in *Remonſtrances*, an *ineffectual courſe* with *Hollanders*, and equipped out no *Ships* to aſſert his rights on the *whole Britiſh Seas*: at laſt in 1609, He eſtabliſhed *Commiſſioners* for to give *Licenſes*, at *London*, to ſuch as would Fiſh on the *Engliſh* Coaſts; at *Edingburgh*, for ſuch as would Fiſh in the more *Northern Sea*: and by *proclamation* interdicted all *unlicenſed Fiſhers*. The *Licenſes* were to be demanded *yearly* for *ſo many Ships*, and the *Tonnage* thereof, as ſhould intend to Fiſh for that whole year, or any part thereof, upon any of the *Britiſh Seas*; and the Offenders againſt the King's *Proclamation* to undergo due chaſtiſement. But this *Edict* of His Majeſty proved but a *Brutum fulmen*, an *inſignificant noiſe* and *thunder*; the *Dutch* contemned it, and grew more pervicacious in oppoſition to his Majeſties *Officers* which came to diſturb their *unlicenſed Fiſhing*. The *States* did mingle their concerns with thoſe of the *Fiſhermen*, and ſent *Waſters*,

or

or Men of War to protect their *Buſſes* againſt the *Spaniſh* Pirates, and *to awe the King's Officers.* They refuſed to pay either the *Aſſize-Herring*, or to take *Licenſes*; and in 1616. M. *Brown* being ordered by the Duke of *Lennox* (who, as Admiral of *Scotland*, was commanded to vindicate the King's Rights in *thoſe Seas*) to inſiſt upon the *Aſſize-Herring* (which was the King's *Old* and *indubitable* Right) they did conteſt about it, and after much diſpute paid it *according to the Laws and Cuſtomes of Scotland.* But the next year (being the year in which King *James* did gratifie that People with the Surrendry of the *cautionary Towns*) the *Buſſes* obſtinately refuſed it, ſaying, *They were commanded by the States of Holland to pay it no more.* Mr. *Brown* wanting ſufficient force to chaſtiſe *their Wafters*, did only *take witneſs of this their refuſal*: whereupon the *inſolent Dutch* ſeized the King of *England's* Officer, and carried him into the *Netherlands*, where He was detained a while. The King repeats His Complaints at the *Hague*, and to *their Embaſſadours* here at *London*, the *Dutch* amuſed him with *Treaties*, and ſent *Commiſſioners* to *London*, not to *ſubmit* or *adjuſt* differences, but to *highten* them: They pleaded *A right of their own by immemorial preſcription*; and confirmed *it* with divers *Treaties*, *viz.* One of the year 1459, betwixt *Philip* of *Burgundy*, and *Henry* the ſeventh. Another betwixt *Charles* V. (as Duke of *Burgundy*) and *Henry* the Eighth: by both which it had been agreed, that the *Subjects* of the *Belgick* Provinces ſhould Fiſh in the *Engliſh* Seas without impediment, and *without Licenſe.* But what influence have *thoſe Treaties* upon the Kingdome of *Scotland?* Or, how do they extend unto the *Aſſize-Herring*? For thoſe *Capitulations* do not leave them at liberty as to *this point*, any more than they abſolve them from paying *Cuſtomes*? To obſerve the *Laws*, and pay the *dues* of a Countrey, are no *illegitimate* impediments of *Fiſhing.*

All this appears out of ſeveral *Memorials*, preſerved in the *Paper Office*; and ſome are Printed with Mr. *Seldens Mare Clauſum* in *Engliſh.*

To proceed, Suppoſe we, that the *Subjects of the Houſe of Burgundy* had any *ſuch priviledges* granted *them* by the ſaid *Treaties*; what doth *this* concern the *Rebels* of the

Aristoteles negat eandem esse Civitatem, Reipub. formâ mutatâ; sicut, inquit, Harmonia non est eadem, ubi à Dorico modo transitur in Phrygium, *Zouch.* de jure fœciali p. 2. Sect. 1. qu. *An Idem populus censendus sit mutato Imperio?*

House of *Burgundy*? What doth it concern the *States General of the United Netherlands*, *who by their change of Government, and rupture from the majority of the Provinces, are no longer the same people*? They have nothing to pretend unto but the *Connivance* of Q. *Elizabeth*, and the *indulgence* of K. *James*, during the time of their *distress*: nor doth the *whole Age* of their *infant Republick* amount unto an *immemorial prescription*: And, if in the *said Treaties* with the House of *Burgundy*, the Ancestors of His Majesty did think fitting, in consideration of *other advantages* accruing to *them* by the said agreements, to dispense with the *Licenses* unto *Belgick Fishermen*; where is *this consideration* now betwixt *us* and the *Dutch*? and, what hinders us to *resume our Rights*, when the *reasons* cease for *which* we parted with *them* to the *generous* and *noble* House of *Burgundy*; but to *these Hollanders* never? How come *we* to forfeit the *Dominion of the Sea* by such *indults*, whereas other Nations, *French*, and *Spaniards*, *Lubeckers*, &c. did pay? This *Plea* being *null*, they had recourse to another, that *by the Laws of Nature and Nations*, the *Sea was free*. This defence seemed intollerable to K. *James*, and upon complaint of the Lord Embassadour *Carlton* at the *Hague*, they gave his Majesty this most *satisfactory Answer*: that the *Commissioners went beyond their limits in their terms of* Immemorial possession, *and immutable Droict de Gens*; *for which they had no order*. All that *K. James* could obtain from *their* now *high* and *Mightie*, was a *verbal* acknowledgment of *His right* whilest it was more and more invaded daily. The Prince of *Orange* at that time made a motion to the Lord *Carleton*, about purchasing the *Freedom of Fishing* with a Sum of *ready money*, But He replyed, *It was a matter of Royalty*. The insolence growing every day greater and greater, and they proceeding to *impede*, *obstruct*, and *destroy* the *Fishery* of his Majesties Subjects, King *Charles* the First did sollicite them about redress; and finding the *States* intractable, in 1636. He issued out a *Proclamation*, to restrain the Fishing in the *Brittish Seas*, without License obtained: and seconded it with a *Fleet of*

Ships

Ships commanded by *Algernon* Earl of *Northumberland*, as Lord High Admiral of *England*. Who with *much honour* acquitted himſelf of that employment: the Journal of *his expedition*, ſigned with *his own hand*, is preſerved in the *Paper Office*: and I find thereby, that upon the *appearance of the Engliſh Fleet*, the *Dutch Buſſes* did take *Licenſes* of his *Lordſhip*, ſo that He diſtributed *two hundred*, though he went out *late in the year*. He exacted *twelve pence* in the *Tonne* from each Veſſel; and avows *they departed away well ſatisfied*. The *Buſſes* were not *defenſleſs*, as the *Conſiderer* ſayes, but guarded by *ten men of War*, or more; and *Aug.* 20. 1636. whileſt his Lordſhip was buſied in diſperſing his *Licenſes* the *Dutch* Admiral *Dorp* came to him, ſaluted *him* with *loring his Top-ſail*, *Striking of the Flagg*, and diſcharging of Guns, and came aboard of Him: He had in his company 20 *Men of War*, which (if joyned with the other *Wafters*) made a greater Fleet than that of the *Engliſh*: yet did He never *proteſt againſt the actings of the ſaid Earl*, but left his Lordſhip freely to purſue his deſign *upon the Buſſes*. The ſumme which *his Lordſhip* received for *Licenſes* was 501 *l.*-- 15 *s.* --2 *d*; beſides *which* at *that time*, I find that the *Dutch* payed to Capt. *Carteret*, Capt. *Lyndſey*, Capt. *Slingsby*, Capt. *Johnſon*, *and* Mr. *Skinner* 999 *l* for *Convoy-Money*.

It is not to be doubted but King *Charles* the firſt had vigorouſly aſſerted the *Engliſh rights* and *Soveraignty of the Sea*, the Earl of *Northumberland* being *High Admiral*, had not the *Scotch* troubles diverted his cares: the which *troubles* and *wars* where chiefly fomented by theſe *peace-loving Chriſtians* of *Holland*, that he might not attend unto *his Dominion of the Seas*.

I obſerved in the peruſal of the *Journal*, that when his Lordſhip was returned and at anchor in the *Downs*, he received notice of the arrival of a *Spaniſh Fleet* of 26 Sail near *Dunkirk*, who in the ſight of *Calais* did *their duties* to his Majeſties Ship called the *Happy entrance*.

Concerning the *Scottiſh fishery* it may not be impertinent to fortifie the rights of *his Majeſty*: by ſhewing his *Original Title* to a great part *of it*; and it is this.

The

The Kings of *Norway* exercised in *absolute dominion time out of mind* over the Seas adjacent to *Norway*, *Island*, *Shotland*, and the Isles of *Orkney*, and in a manner over all that part of the *North Sea*: nor could any forreigner practice fishing *there* but by his *leave* and *License*, (the which *License* was renewed every seven years by the *English*) as appears by many *Leagues* and compacts betwixt that *Crown* and the *English*, and also betwixt *it* and *other Nations*: The old Inhabitants of those *Scotch Islands* are originally *Norwegians*, and speak that language. The Islands *Hebrides* were conquered from the *Norwegians* by *Alexander* the third, King of *Scotland*, the *dominion* whereof was confirmed unto *him* by *Magnus* King of *Norwey* and the said *Cession* reiterated by *Haquin* King of *Norwey* unto *Robert Bruce* King of *Scotland*; But all this while *Shotland* and the Isles of *Orkney* remained in the hands of the *Norwegians*, until *Christierne* the first, King of *Denmark* and *Norwey* did marry his Daughter *Margaret* unto *James* the third, King of *Scotland*, and upon the marriage did make an absolute *surrender of these Islands* unto his Son in Law in the Year 1468. together with the *jurisdictions* thereof. As the *Scotch* title to *those Seas* is *primarily* deduced from the Kings of *Norwey*, so their *jurisdiction* and *Soveraignty* over *those Seas* is the *same*, with that which *those Kings* possessed: But the Kings of *Norwey* had an *entire dominion* and *right of disposal* over the fishing in *those parts*, so that none could come and *fish there* upon *pain of death*, without *License* obtained. All which is averred and proved out of the *Danish* records by *Joannes Isacius Pontanus* a *Dutch* writer, of *Haderwick* in *Guilderland*, and *Historiographer* to the King of *Denmark*. This discourse doth further justifie the present King of *England* in his rights unto the *British* Seas, in that *He* is not singular in challenging the *Dominion of the Seas*, and the particular *regality of the Fishing*, the like having been *immemorially* challenged by the Kings of *Denmark* and *Norwey*. The like *Royalty* as to *fishing* is practised by the Kings of *Sweden*, who hath in some of *his Seas* the *tenths* of the

Joh. Pontan. discuss. histor. l. 1. c. 21.

Id. ibid. l. 1. c. 17.

Id. ibid. l. 1. c. 17. Selden. mare clausum l. 2. c. 31.

Jo. Pontan. discuss. histor. l. 1. c. 21.

Jo. Loccenius de jure maritimo, l. 1. c. 9.

fish

fiſh, elſewhere *He* diſpoſeth of His *Royalty* by ſpecial *Licenſes*. The ſame is done in *Spain*, and *Portugal*, *Venice* &c.

This *Univerſal Soveraignty* and *Dominion* of His Majeſty over the *Britiſh Seas*, hath been acknowledged by *Forreigners time out of mind*, (even *ſafe Conducts* and *Paſtports* deſired thorough *His Seas*) and is juſtified by the *precedents* of the *Rhodians*, the *Romans* and others, which to relate now were to prolix a work. As to the *Right* by which his Majeſty holds this *Soveraignty*, it is a better *Title* then moſt *Princes* can ſhew for their *Kingdoms* and *Principalities*; It is a *preſcription* truly *immemorial*: we cannot tell the *Time* when *we had it not*; nor by what degrees we *aroſe up to it*; But we can thus *fortifie* it beyond that of *Venice*, that it was *never diſputed* by any except the *Dutch*, and that within the *memory* of this *preſent Age*: and they ſo diſputed it *at firſt*, as to acknowledg *our right*, but yet to plead an *exemption* as to *fiſhing*, (in nothing elſe) by virtue of the *Capitulations of Intercourſe* betwixt the *Engliſh* and Houſe of *Burgundy*: the vanity of which *claim* being ſo notorious, they at laſt began to be ſo *impudent* and *inſolent*, as to renounce the *Conceſſions* of the *Burgundians*, and *their own*, and now to plead univerſally that *the Sea is the Lord's*, and not *capable* of, or *ſubjected to the Dominion of any Prince or State*. It is an *unparallel'd* and moſt *imprudent* attempt for *theſe up-ſtarts* to ſhake thus the *Tenures* not only of *Kings*, but even *private perſons*, and to deny that an *Immemorial quiet poſſeſſion* of a *Land*, or *Territory*, (the *Sea* is called a *Territory*) is a *juſt Title* thereunto: whereas hitherto it hath been allowed by thoſe that treat of the *Laws* of *Nations*, that he who *can alledg this*, needs not to prove his *Acqueſt* and *Title*: That *preſcription doth not require any Right, but ſupplies it*; *and doth* it ſelf *create a right*; *nor ought there any proof to be admitted againſt it*. Nothing is more received amongſt *Man-kind*, then that *Preſcription* and *Long-Uſage* ſhould be deemed equivalent to *mutual pacts* and the *aſſent of the Voiſinage*: And that *practice* ſeems to be adjudged to be legitimate, where all parties, *though otherwiſe intereſſed to oppoſe it*, do without any *extraordi-*

Jo. Palatius de domin. maris. lib 2. c 10. *Jacob Gothofredus* de Imperio maris c 8. & 12.

Territorum dicitur de *Terris* & de *Aquis*, Alberick. Gentil. de jure belli l. 3. c. 17. Arnold in verb, *Territorium* num. 2. Per hanc longiſſimam poſſeſſionem conſecuti ſunt veneri, ut non teneantur Titulum acquiſitionis probare. *Covarruvias* in reg. poſſeſſor malæ fidei par. 2. ſect. 3. num. 7. & ſect. 3. *num.* 2. Hæc enim præſcriptio non requirit titulum ſed vim habet tituli. *Cravet de Antiq. temp. par. 4 ſect. abſolutis differentiis numer 9. Barchol. in c. un quæ ſint regal. num.* 27. & dicitur inducere Titulum *Theſaur. lib 1. quæſt 8. num* 11. & pare re præſcriptionem juris & de jure, contra quam non admititur probatio. *Cravet dicto loco, num, 60, Peregr. l. 1. de jur. fiſc, tit. 2. num 65. cum aliis quos ibi allegant.* Quoniam æquipollet veritati, & pro vetitate habetur. *Barchol. de loco. Arnold, in verbo* Præſcriptio *num.* 27, Julius Pacius *de domin. maris*, *Hadriat.* Joan. Palatius *de domin. maris.* l 2. c 10. Albericus Gentilis de jure belli l. c. 22. Grotius *de jure belli* l 2 c 4.

nary

nary awe, or other *indirect motive*, ſilently and peaceably acquieſce. *Jephtha* when the *Ammonites* demanded that the *Iſraelites* ſhould ſurrender up the *Cities* held by them on that ſide *Jordan*; replyed, that the *Iſraelites had poſſeſſed them three hundred years*, during all which time the *Ammonites* had not re-demanded them. *The law of Nations* doth generally allow a *leſſer ſpace* to authenticate a *Preſcription* and *juſt Occupancy*: It is eſteemed to have an *Immemorial preſcription*, the contrary whereof no man can ſay, He ever *ſaw done*, or heard related by others to *have been done*: and 'tis commonly declared, that *one hundred years of uſage*, or *poſſeſſion*, do ſuffice to determine the controverſie. *Our caſe* is ſuch, that I need not make uſe of this *laſt plea* (though ſo many allow of it; and *Rome* urged it againſt *Antiochus*) 'tis really *Immemorial*, and conſequently as *valid* morally as if it had been conferred upon us at the *primitive diſtribution of Lands*: except there can be produced *moſt unanſwerable reaſons to the contrary*.

Judges 11. 26

Alberic. Gentilis de jure belli l. 1. c. 22. *Livius* lib 34. *Grotius* de jure belli l. 2. c. 4 ſect. 7.

I ſhall therefore examine the Reaſon alledged by the *Dutch* to invalidate this *Preſcription* and *long occupancy* of His Majeſty. The Conſiderer alledgeth but *one*; which is, That *the Dominion of the Sea appertains to God alone*, in the judgment of the States General: *and the King of England doth uſurp upon the Divine Prerogative, by aſſuming it to himſelf.* I anſwer, that in the *judgement* of them that are *as intelligent* and *more honeſt* then the *States General*, The *Dominion of God Almighty over the Land is as much appropriated to Him, as that over the Seas:* Since that the *ſame* Scripture which ſaith, that *the Sea is his, and he made it*; doth likewiſe inform us, that *His hands prepared the drie land*, Pſal. 95. 5 and that *the Earth is the Lord's, and the fulneſs thereof, the World, and they that dwell therein*, Pſal. 24. 1. So that without a more *expreſs declaration*, a more *revealed will of God*, we cannot conclude from the *Text* any thing elſe then the *General providential Soveraignty* of *God*, which (where *He* doth not in a *particular manner* publiſh *his Will*; as when He gave the *Iſraelites* the Land of *Canaan*) doth no way *enterfere with*, or *exclude*,

exclude Humane propriety: Otherwiſe the *Earth* muſt likewiſe become *common*, and *All people* live *Free from ſubjection to any Government.* As to this *laſt point*, I find Mr. *Schoockins* (a *Belgick* Profeſſour) to write that 'tis *proverbially* ſaid in the *United Netherlands*, That *the Placaets of the States General are not in force beyond three dayes*: But *they* ought not to oblige *one minute*, ſince *the world and they that dwell therein are the Lords.* Of all the *Arguments* which ever I read in behalf of the *Freedom of the Sea*, this is the moſt *Fanatical.* If it were granted, that the Kings of *England*, *France*, *Denmark*, *Sweden*, &c. were *Uſurpers upon the rights of God Almighty*, what *Commiſſion* have theſe *wicked Hollanders* to vindicate *them*? a *people* worſe then *Sodom* and *Gomorrah* (if you believe Mr. *Schoockins*) the moſt *unworthy delegates* in this world. Who made theſe *Skellums* to be of the *Star-chamber*? May they *run before they are ſent*? *Are all Apoſtles*? But, to wave *this fooliſh pretence*; I will for the inſtruction of *the more ignorant*, remove ſuch *Objections* as men of more *High* and *Mighty reaſon* then the *States General*, do preſs vehemently againſt the *dominion of the Sea.*

Cur in opprobrium veſtrum jactabitur hoc proverbium quod edictæ veſtra triduana duntaxat ſint? M Schoockius de Imper. Marit. c. 30.

Si qua gens unquam tribus hiſce peccatis, ſuperbiæ, luxriæ, avaritiæ, aperto capite, elato brachio, & plenâ animi deſtinatione, vacavit; næ, nos Belgæ longiſſimè eandem ſuperavimus. Quorſum exaggerem. Sodomæ Gomorrhæque *peccata*? *Clamor eorum multus eſt* Gen, 18. 20. *Hoc uno ſorte diſtamus* à verâ Sodomâ, *quod hic* pauperis, & egentis manus confirmetur. M. Schoock. *ib. c.* 27.

1. The nature of the *Sea* is ſuch, that it is in a *perpetual flux*, and never ſetles to any certain place; therefore it is not *capable* of being ſubjected under a *certain dominion*, *poſſeſſion*, or *preſcription.* I anſwer, that though it be not *ſtrictly* and *Phyſically* the *ſame*, it continues to be ſo *Legally*, and in reſpect of its *Bottom*, *Sand*, and *Channel.* If this Objection were *valid*, even *Rivers* would not be ſubject to *impropriation*: they do continually *flow*, and, which is more, without *reflux*: and the *ſame reaſon* would render every man uncapable of a *Legacy* or *Inheritance*; becauſe a conſtant *tranſpiration* varieth our bodies. *In idem flumen bis non deſcendimus*: Neither do *we* twice ſwim in the *ſame river*, nor are *we* the *ſame perſons* who attempt to ſwim *twice* within the *ſame channel.* Beſides a man may retain a *propriety* in things *variable*, as in mony *lent*, and to be repaid *in ſpecie*, not *numerically.* A man may have a right unto the *Air* or *Light*, and an *Action* lieth in caſe of *Nuſance.* And ſhall a *remedy* be allowed in caſe an *encroaching Neighbour* doth *obſtruct the Light*, or *annoy the Air*; and ſhall not a *Prince* take care that no *Forein Fleets* ſhall, without *warning* and *licence*, approach *his territories*? Proviſion in this caſe is *much more* allowable, by how much *greater the danger is.*

Fo Palatius de Domin. Maris, l. 1. c. 3

Seneca,

2. There cannot be any *peculiar* and *diſtinct bounds* prefixed to *particular dominions* upon the *Seas*: and ſince nothing can be *privately poſſeſſed* which is not *bounded*; therefore *God* and *Nature* ſeem to have ordained the Seas to be *free*, ſince it is not *limitable.* I anſwer, That the *Inundation of Nile*, and the ſtorms upon the *Libian*

Sands do render the bounds *undistinguishable*; yet are the *Lands* subject to *propriety*. Besides the *Shores, Promontories*, &c. may stand as well for *Sea-bounds*, as *Trees, Posts, Hedges, Rivers*, &c. are *bounds* on *Land*: and where they fail, *Imaginary Lines* and *Contrivances* may supply the *defect*; since we are no more in Contracts betwixt *Princes* to expect *rigour of Law* (but *Æquum & bonum*) then in *mixt Mathematicks* indivisible *Points* and *Lines*. Several Leagues of *this nature* have been made betwixt *Spain* and *Portugal*, *Sweden* and *Denmark*. In fine, are not the Seas *distinct*, as the *Hadriatick*, *Lygurian*, *Tyrrhene*, and in the Articles of *Breda* the *Brittish* and *North Sea*? yet are there no *precise* and *Geometrical* bounds to them.

3. If the *Sea* can be reduced under any *dominion*, then may the *Commerce* be *hindered* by the *Proprietor* of the *same*, as to such as *He pleaseth*. But *Commerce* ought to be *free* according to the *Law of Nature* and *Nations*; and the *denial* thereof (as also the denying of an *innocent passage*) or the laying an *extraordinary Tax* for *License to pass* (which is *in effect* a *denial of passage* and *commerce*) is a just cause of *War*. Therefore the *Sea* ought to be free. I answer that perhaps the *pretence of wants* not to be supplied but by *Commerce* is not *serious* and real; but if it be, it doth not follow that our *domestick indigency* and *necessities* are to be remedied by the *detriment* or *injury* of others, but we must purchase the opportunities of a *supply* by complying with the conveniencies of our *Neighbours*. No man must *trespass* upon anothers *ground*, because *He* cannot otherwise attend unto *his own utility*. The *freedom* of *Commerce* and *passage* are no *solid Arguments*, when insisted upon by *Hollanders*: both may be refused, if there be a *suspicion* of *danger*. I concur with *Albericus Gentilis* herein. I *am of St.* Austins *mind* (who held the opinion of *Grotius* in these cases) provided I *may have befitting security that the persons trading or passing will not hurt me*; *and that I be ascertained that they cannot hurt me*. This is conformable to sundry *Scriptural* examples, and the *Resolutions* of *all Ages*, before and since *Christianity*. Nor doth the imposition of a *Tribute* for the *Fishing* or erecting and preserving of *Sea-marks*, and *Light-houses*, or *Convoy-mony* infringe the *Liberty of Commerce*, but continue it *with Security*. I do not finde that the *Dutch* have contested *thus* about the *Customs* upon the *Rhine*, or plead that 'tis unlawful to pay *Toll* upon the passage of several *High-ways* and *Bridges* in order to the repairing of *them*: yet a *Logician* of *Holland* would by the *same reasons* condemn *those exactions*, and *deny tribute to whom tribute is due*.

To conclude *this Point*: After so many *Treatises* and *fierce disputes* concerning *the dominion of the Sea*, upon mature consideration, the Controversie is now reduced to this State: that as to *property* the *Sea can fall to no mans dominion*, by reason of its *fluxile nature*; but as to *Sovereignty of Protection*, and *Jurisdiction*, whereby *Tributes* are imposed for the *defraying of Convoys*, *providing of Sea-marks* &c. and *Fishing*: This may be assumed, and is *lawful* as to *particular Seas*, and

Teneo cum Augustino, *si nec timendum sit ne nocetur*; *& certum sit noceri non posse*. Alb. Centil. *de jure belli, l. 1. c. 9.*

Julius Pacius *de domin. Maris Hadriat.* J. Palat. *de dom. Maris. l. 1. c. 13.* *Elegantur* Baldus *in l. quædam. D. de rer divis*: *ait mare esse commune quoad usum*; *proprietatem vero nullius*; *sed jurisdictionem esse* Principis: *de qua jurisdictione in præsentiâ agitur non de* proprietate. *Jul. Pacius de domin. Maris Hadriat.*

and *Gulfs*; but as to the *vast Ocean*, whose bounds are *unknown*, and whose *extent* makes the *Sovereignty* to be *unfaisible*, this is denied. Thus *Jo. Isac. Pontanus*, and others do decide the Controversie: and *this decision* establisheth the King of *England*'s Right, whose Seas are not *boundless*, nor incapable of the aforesaid *Dominion of Jurisdiction*. Such a *Dominion* the *Dutch Professour* saith is *practicable*, and *necessary* for the *Hollanders*; thereby to secure their *vast Trade* into all parts of the world, and *exclude others from Merchandising into the richest parts*. From whence we may gather *what we are to expect from the prevalence of the Dutch*, viz. to be prohibited *trading through the Seas*, but to *what places*, and on *what conditions* they please: And whilst *our King* shall be decried as an *Usurper of the Divine Right* by challenging the *dominion of the Sea*; These *Hollanders* shall affect and assume (without any *such Usurpation*) the *dominion over the Seas*. Which is *all one* in effect, the *discrepancy* is but *verbal*, and such as *any one* may see into, who is not infatuated with the *specious* and *pious harangues* of the *peace-loving Christians* in *Holland*.

Another argument enforced by *Them* here against his Majesties *lawfull dominion* over the *Brittish Seas* is this; that *since the Subjects of their State do only subsist by Commerce, and consequently by the Liberty of the Seas; should they acknowledge the said Sovereignty of his Majesty and the effects and consequences thereof be reduced into practice upon them; they should be brought to such a condition, as to expect no less then an apparent and inevitable ruine after some time.* And that *since the King of* England *challengeth not only the Channel, but also the North Sea, and a great part of the Ocean, as the Brittish Sea; They should not be able to set sail out of their Ports any whither but by the Grace and Favour of the King of* England.——To this I reply, That the King of *England* by pursuing his *own Rights* doth them *no wrong*: But the *Dutch* by entrenching *thereupon* do his Majesty *apparent injury*, and violate all *Divine* and *Humane Laws*, whereby *Propriety* is established and secured to *particular Princes* and *persons*, and that *community of all things by nature* is by a *Subsequent* and *intervenient Right* limited and restrained. And that this may be done according to the *Law of Nations*, and the *general Equity*, no *Divine* or *Civilian* can deny or disprove: and there is as to *this case* no difference betwixt the *Sea* and *Land*. There is not any *inhability* in the nature of the *Sea*, as is granted by *their Writers* (except as to the *vast Ocean*, and that too in reference to its *utmost* and *unknown* extent, not as to *determinate parts* of it) and is evident from the *several* Kings and *Republicks* which have *heretofore*, and do *now* engross the *dominion of it*. There is not any *Divine Precept* against it; no *dictates of nature* repugne thereunto: for whatsoever is *common by nature* may be impropriated by *Occupancy*: *neither can* there be a *better Title* to *such things* then *Occupancy*, *Prescription*, and *Custom*. And that his Majesty hath *this Title* entirely, I have evinced

Jo. Isac. Pontanus *discus. Hist. l. c.* 13. *Propitio ac mediis benedicente Deo, quamdiu salva erit Belgis fœderatis hæc Maris potentia, salva quoque erit respub. concidet verò & transibit in manum illius, qui eandem eripuerit & obtinuerit.* M. Schoockius *de imper. Marit. c.* 28. *Non debet verò hæc maris potentia ita intelligi, quasi vastus Oceanus, in quo nulli limites definiri possunt,* dominii *capax sit; sed quod quidam Armis prævalentes, aut in eo Imperium affectârint, aut in Mari Mediterraneo, quod neutiquam cum Oceano ipso componi potest, reipsâ quoque Imperium illud exercuerint, magis alios prohibendo illius maris usu, quâm reipsa possederint, id. ibid. c.* 2. *Probatur hoc fieri posse, quia mare cum sit nullius,* naturali ratione, *proinde* jure Gen. *conceditur* occupanti, *ut cætera quæ* communia *dicuntur*, l. 3. in p. D. de acquir. rer. dom. § feræ vers. quod enim. Inst. de rer. div. glo in § & quidem. In ver commu. Inst. eod *Julius Pacius* de dom. mar. *Hadriat.*

evinced and Mr. *Selden* before me. Whereas they ſay, that ſhould any *ſuch right* be *acknowledged* in reſide to his Majeſty, they ſhould not be able to *fiſh* in the *North-Sea*, or to *drive on their neceſſary Commerce by Navigation:* This is no argument for their *unjuſt actings*; any more then it would juſtifie upon land that one *Prince* or *private perſon* ſhould uſurp upon *anothers Territories* or *Free-hold*, becauſe it was moſt *opportune* for his *Trading*, or requiſite to his ſubſiſtence in a *flouriſhing condition*, I do not read that *this pretext* was ever any *cauſe of War* betwixt *England* and the *Houſe of Burgundy*: The *Turk*, *Pope*, *Emperour*, and King of *Spain* might urge the *ſame reaſon* againſt the *Venetian Sovereignity* in the *Adriatick* Sea; there not being the *leaſt part of a paſſage* for their *adjacent Subjects*, which is not in reſpect of *their pretended Sovereignity*, belonging to the *Republick*. But theſe *Princes* underſtand the difference betwixt *Right* and *Wrong*; whereas the *Dutch* comprehend nothing but what is *advantagious* and *diſadvantagious*. They detain *Rennenberg*, and other ſtrong Towns belonging to the Duke of *Brandenburg*, The Biſhops of *Cologne*, and *Munſter*, becauſe *their Provinces cannot be ſafe without them*. They would *uſurp our Seas*, becauſe *they cannot mannage their trade without them*. And they will *ſeiſe hereafter upon our principal Ports*, becauſe their *Navigation cannot be ſure without them*. Certainly 'tis not a *ſufficient ground* for *them* to deny his majeſty the *Proper Rights* of the *Britiſh* Crown, becauſe *They do not know How He will uſe them*. They have no reaſon to imagine that *He would intreat them* worſe then his *Royal Predeceſſors* have done, who never made the *utmoſt advantage of their juſt Rights* againſt the *Netherlanders*, nor ever practiſed ſuch a *Sovereignity* as the *Venetians* exerciſe in their *Seas*. 'Tis true that the caſe is much *altered* by their *queſtioning his Royalty*, which was never before *diſputed by them*, or *any elſe*: and 'tis but *equitable* that they ſhould be *in ſome manner* frank in *their acknowledgments*, who have been ſo *arrogant* in the *conteſt*. They that *begin a preſident* are more *criminal* than they which *follow it*; and ſince *they* by an *ungrateful inſolence* have inſtructed others to imitate *their demeanour*, it is but *juſt* that *They* ſhould *contribute* to the *neceſſary charges* whereupon *They* put his Majeſty to enſue that Royalty, which *They* above *all others* (being *ſupported* by Queen *Elizabeth*, and *owned* for a *Free State* by the interpoſition of King *James*, and *ſtrengthened* by the ſurrendry of the *Cautionary Towns* upon moſt *eaſie terms*) ſhould not have *controverted*; at leſt not in ſo *barbarous a manner*, as to ſay, That *all the world holds the King of* England's *Claim to be impertinent*. Whereas it may be with *more truth* ſaid, That *All the world in all Ages*, *hath and doth juſtifie his right in general*, or *in Theſis*; And *'tis manifeſt by the conceſſions of all Princes concerned*, *and of the Houſe of* Burgundy, *and of the Hollanders themſelves as to the Britiſh Seas*; or *in Hypotheſi*.

Where

whereas *They* deny that ever *They Fiſhed in our Seas* with *Licence* and *permiſſion* of the *Kings of* England: It is a *Lye*; For ſince *They* hold *their priviledge of Fiſhing* by means of a *general Licence* or *League* contracted betwixt the *Crown of England* and the *Houſe of* Burgundy; it is manifeſt that whoſoever *Fiſhed* in the *Engliſh* Seas before, did *Fiſh* with a *particular Licence*, (from which *they* were *then* exempted) and that *from thence forward* They did Fiſh all by the *General Licence* or *indult* of the Kings of *England* in *that League*. I have already ſhewed his Majeſties *right unto the Fiſhery*, and *How it hath been exerted*: and there is *equivocation* in what They ſay concerning the *Tribute for fiſhing*, that *They never paid it to the King of* England's *Father*. The *Fiſhing Buſſes* did pay *Tonnage-mony* for their liberty to *Fiſh*, unto the Earl of *Northumberland*, as Admiral under the preſent King of *England* his Father. *They*, knowing the *Legality* of the thing, paid it with *much ſatisfaction*, not *regretting*, or *proteſting againſt it*. The *Dutch* Admiral *Dorpe* did not *except* againſt the actions, much leſs oppoſe the ſaid *Honourable perſon*, nor do I find that the *States General* did remonſtrate againſt that *Tonnage-mony* as an *exorbitant* and *illegal* demand: But according to the *uſual demeanour* of theſe *Hollanders*, they gave it out *all over Europe*, that *they would not pay any more*, and that *They* refuſed it in 1637. To ſhew that *this* was but a ſcattered *report*, not any *publick complaint*, or *refuſal* of the *States General* at *that time*; behold this extract of a *Letter* from Mr. Secretary *Windebanck* to Captain *Fogge*, who at that time commanded five or ſix Ships under the Earl of *Northumberland*.

Paraph. *Here hath been a* Report *raiſed here that the* Hollanders *have refuſed his Majeſties* Licenſes *to Fiſh* in his Seas, *pretended to have been offered them by Captain* Fielding. *But it is utterly* miſtaken, *ſeeing Captain* Fielding *was ſent to the* Buſſes *to offer them* protection; *His Majeſty having underſtood that the* Dunkirkers *had prepared great ſtrength to intercept them in their return from the* Fiſhing, *which his Majeſty in love to them ſent Captain* Fielding *to give them notice of, and to offer them ſafe* conduct. *This you are* publickly to avow *whereſoever there ſhall be occaſion; and to cry down the other diſcourſe as* Scandalous *and derogatory to his Majeſties Honour.*

Aug. 10. 1673.

Thus you ſee (to return upon them *their own language*) it is a *Lye* that the ſaid *Tonnage money* was proteſted againſt: It is a *Lye*, that *It was no more demanded*: for Captain *Fielding did demand it* (I am ſure by *Letters* in the *Paper-Office*) though I have not had leiſure to examine *what he received*. And it is a *fooliſh report*, to ſay that *The ſingle attempt of the Earl of Northumberland, being violent, could not create any Right*: Whereas we do not claim it in *right*, becauſe *it was then paid*, but becauſe, as an *Immemorial Royalty, it was always due, and acknowledged by them to be ſo.*

I can-

I cannot allow of that *Parenthesis* of the Conſiderer; That *violence can create no Right, no not by continuance.* For, If *Preſcription of an hundred years* (or leſs time, according to *particular Countries*) *does create a Right*, how *violent* and *unjuſt* ſoever the *firſt Occupancy* be, *according to the Law of Nations*, which *formally* approves *thereof* even betwixt *Prince* and *Prince*: *and fundamentally* according to the *Law of Nature*, which diſpoſeth us to *mutual peace* and *amitable Society*, and to the *means* conducing thereto, in the number whereof is *Preſcription, Occupancy*, and *Cuſtom*; How then can *He* ſay that *Violence can never create a Right*? How do *they* hold their *Freedom*, but by *violence*? Are theſe the *Principles* of the *Peace-loving Hollanders*? Do not *theſe ſuggeſtions* tend to the involving of *all the World in Bloud!*

Jo. Palatius *de domin. maris l. c.* 13.

As to the meeting of the *Yatcht* with the Fleet under *Van Ghent* in the *North ſea* and their not *ſtriking Sail* or *Flag*: The Conſiderer yields *it* to be a *Ship of War* by reaſon of its *Equipage, Commiſſion*, and *Standard*: and ſo it was according the *preſidents* of our *Law*, which ſtiles *Barges* and *Ballingers*, it *armed for War*, to be *Ships of War*, But neither *He*, nor any man elſe can ſay that *The refuſal to lowre the Topſail and ſtrike the Flag, was not a breach of the Treaty at Breda.* It is alledged, that "*This hapned in the North-ſea* "*which is not the Britiſh Sea, being diſtinguiſhed therefrom in all* "*Sea plats, yea in the Engliſh Map, and (which in this caſe is an invin-* "*cible Argument) by reaſon that in the ſeventh Article of the treaty at* "*Breda the ſame are diſtinctly mentioned one from the other; where it is* "*expreſſedly ſaid*, that *all Ships and Merchandiſes, which within twelve* "*days after the peace are taken in the Britiſh Sea, and the North-Sea,* "*ſhall continue in propriety to the Seizer.—Out of which it plainly ap-* "*pears, that even according to the King of England's ſence, the North Sea differs in reality from the Britiſh Sea*———Theſe *reaſons* are ſo far from being *invincible*, that they are *null* and altogether *invalid*. For the *Argument* from *popular Mapps* and *vulgar Sea-plats* imports nothing at all: Thoſe being made for *common inſtruction* in ſuch caſes as *they* are uſually made for: but not to decide *Caſes at Law*. There are ſeveral *Counties* in *England*, which are not *ſpecified* in the *Mapps*, which yet the *Laws* do exempt from thoſe in which the *Mapps* do include them. The diſtinction in the *Article* at *Breda* betwixt the *Britiſh and North Sea*, is popular, and mentioned only *to prevent future quarrels about prizes taken*, not to decide the *Kings Rights* unto *that Sea*, as *one of the four Seas*: and, *that taking place*, 'tis not an *invincible argument*, but an *affected ignorance* in this *Hollander* to urge it here. In the Treaty at *Torſtrop* betwixt the *Dane* and *Swede*, I read that *Schonen* and *Wien* were diſtinctly named, and conſented unto by the *Dane*, to be transferred unto the *Swede*: and in a *ſubſequent Agreement* at *Roskild* the *Swede* hath only *Schonen* transferred *by name*; hereupon He claims alſo *Wien*

Selden *Mare Clauſ. l.* 2. *c.* 15.

the

the *Danes* deny the rendition, and evade it as the *Dutch* do now? The King of *Sweden* rejoyns thus, and any man may accomodate the paſſage to our Caſe. "Though the *Danes* do grant there hath "ever been a Joynt-Alienation of the ſaid *Iſle* with *Schonen*; nevertheleſs, they would fain wave this by an odd Exception, pretending "that *Wien* could not really be alienated as a member of *Schonen*, "becauſe in the Treaty *Wien* is expreſly named as well as *Schonen*, "which they alledge need not have been, had it been incluſive in "*Schonen*. But this poor plea, is of little importance, if it be obſerved, that in the Charter of Alienation, where *Wien* is ſeparately named with *Schonen*, there alſo *Liſter* is ſeparately named with the "Province of *Blekingen*, which however the *Danes* do unanimouſly "acknowledge to be a part of *Blekingen*; it being diſtinctly named "rather for prevention of *further diſputes*, than out of neceſſity, "*Nam clauſula abundans non nocet, ut nec ejus abſentia obeſt.*

See the King of Swedens reaſons for continuing the War with Denmark, *Printed at* London, 1658.

I ſhall conclude with two brief obſervations upon the remaining part of this *Paragraph*, not yet replied unto.

1. The *Conſiderer* ſaith that the *ſtriking of the Flag* is but a *Civility to his Majeſties Ships*, and conſequently not to be *enforced*, but muſt proceed from a *free willingneſs* and an *unconſtrained mind in thoſe that ſhew ſuch reſpect.*——They that *will not learn manners muſt be taught them*; yet 'tis a difficult task to teach the *Boores of Holland*. But where did *He* learn that the *ſtriking of the Flag in the Britiſh Seas* was meerly an *Act of reſpect*? Or *How can he ſay, that the Dutch*, or others, *might not be conſtrained to ſtrike*, conſidering *the Inſtructions* of our *Admiral*, and the uſage of *England*? Whoſoever refuſeth to *ſtrike*, is to be proſecuted as a *Rebel*, not as an *uncivil perſon*. And I find that the Crown of *France*, where it *pretends* to any *Soveraignty of the Sea*, doth enforce the *ſtriking of the Sail and Flag* in an *uncivil manner*, ſince thoſe *that refuſe to do it*, are to be attaqued with *Cannon ſhot*, and, if taken, *their Ships confiſcated*. The ſame is done by the *State of Venice*, and *univerſally*. The world is coming to a *fine paſs* when theſe *Butter-boxes* preſume to teach all *Europe* Civility!

Mſſ. Commentar. de rebus Admiral. fol. 28. Selden *Mare clauſ. l.* 2. *c.* 26. Zouche *de jure fœciali, part.* 2. *ſect.* 8. *qu.* Utrum quod Nautæ, principis alterius navi bellicæ vela non ſubmittant, Navis pro prædâ capi poſſit?

2. The *Conſiderer* ſaith, that ſince the *Yatcht* did not *meet with any ſingle Ships, or Veſſels of the States, but run in amongſt a Fleet riding at Anchor*, It *cannot be maintained with any fundamental reaſons, that the Lord Van Ghent by virtue of the ſaid Article was obliged to ſtrike.*——I anſwer that the *Article* doth make it *Fundamental to the Peace*; and the *Admirals Inſtructions*, and the *Uſage of England* do expound the ſame ſufficiently to the *prejudice of Van Ghent*. Is this the *ſincerity*, the *bona fides*, with which they obſerve the *Treaty*? Our *Laws* and *Cuſtoms of the Admiralty* know no diſtinction betwixt a *Ship* or *Fleet found riding at Anchor*, or *met under ſail*: Nor do *they* diſtinguiſh betwixt a *caſual meeting*, and a *voluntary ſeeking* of *Foreign*

Ships

Ships or *Fleets*: nor *whether our Ships be at Anchor*, and the *Foreigner under sail*; or *both be navigating*: And it is the *duty* of our *Men of War*, in case they *discover*, or hear of any *foreign Ships*, or *Fleets* upon *our Seas*, to make up to them, and to *see* whither they come in a *peaceable* or *hostile manner*, by demanding them *to strike their Sails and Flags*. I need not add any thing to *this point*, every one may sufficiently comprehend *the Case*, but these *Hollanders* that *will not understand it*.

The conclusion of *this Paragraph* doth manifest the *Integrity* of his Majesty in the penning of *His declaration*; seeing that the *Considerer* acknowledgeth, *That the States General did offer to strike the Flag and Sail unto his Ships of the Navy Royal, upon condition he would assist them in this juncture* (for that they mean by this *observing the Triple Alliance*) and *provided no construction thence should be made to prejudice them in the free use of the Seas*, *viz.* in reference to *Fishing*, as well as *Sailing*, it is hence evident, that His Majesty did not present the *arrogance of the Dutch* in so *hainous* a manner, as *He might have done* without injuring them. The *Considerer* hath done it; and I refer it to the consideration of all *English-men*.

Thus I have exactly replied unto all that the *Considerer* hath alledged against the *Declaration of his Majesty*, and what else He hath written in reference to the *present Quarrel*: and I think I have made it evident to the meanest capacity, that the *present War* is authorized by all those circumstances which make it *Just* and *Honourable*, and *Necessary*.

I intend in a *second part* to address my self to my *fellow-subjects*, as the *Considerer* doth to *his*, and excite them to do no less to *avert injuries* and *defend their Honour and the Rights of his Majesty*, than *He* exhorteth the *Dutch*, to do *contrary to all right*, to *our detriment* and *dishonour*: I will therein shew those that were concerned for the War against the *Dutch* under the pretended *Common-wealth*, that the Quarrel is fundamentally the same *now* that it was *then*, and that *they* cannot have any *tenderness* for the *Hollanders* at *this time*, who did so hainously complain of their *Oppressions* and *Usurpations* then: The *Hollanders* are the *self same People* still; As much *Hollanders* in *Europe*, as they are at *Japan*, or ever were at *Amboyna*: I know not why *we* should not demonstrate *our selves* all to be as *true English men*; And to convince *such persons*, I will Print the Speech of Mr. *St. Johns*, their Embassadour to the *States*, at the *Hague*, during the *pretended* Common wealth.

FINIS.